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A/50/730
S/1995/935
7 November 1995

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 3 November 1995 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the section on the question of Cyprus from the final communiqué of the 11th Conference of Heads of State or Government of the Movement of Non-Aligned Countries, which took place at Cartagena, Colombia, from 18 to 20 October 1995 (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative
of the Republic of Cyprus
to the United Nations

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ANNEX

Section on Cyprus from the final communiqué of the 11th Conference of Heads of State or Government of the Movement of Non-Aligned Countries, issued at Cartagena, Colombia, on 20 October 1995

The Heads of State or Government reaffirmed all previous positions and declarations of the Non-Aligned Movement on the question of Cyprus and expressed deep concern over the fact that no progress had been achieved in the search for a just and viable solution. They reiterated their support for the sovereignty, independence and territorial integrity of the Republic of Cyprus and their solidarity with the people and the Government of Cyprus.

They called once again for the withdrawal of all occupation forces and settlers, the return of the refugees to their homes in conditions of safety, the restoration of the human rights of all Cypriots and the accounting for those missing.

Proceeding from the position that the present status quo in Cyprus created and maintained by the use of force is unacceptable, they stressed the need for securing compliance with and implementation of all United Nations resolutions on Cyprus. To that end they further stressed the need for the Security Council to take resolute action and the necessary measures, including the holding of an international conference and steps for the demilitarization of Cyprus, as proposed by the President of Cyprus.

Furthermore, expressing their concern at the continuing lack of political will on the part of the Turkish side, as confirmed in the report of 30 May 1994 of the Secretary-General of the United Nations (S/1994/629), they reaffirmed their support for the Secretary-General's efforts for a just and workable solution, as provided in Security Council resolution 939 (1994), for a bi-zonal and bi-communal federation, with a single sovereignty, citizenship and international personality and with political equality, as described in the relevant resolutions of the Security Council.

In this respect, they decided to request the contact group of the Non-Aligned Countries actively to follow and support the United Nations efforts for the solution of the Cyprus problem.

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7 November 1995

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Agenda item 132

FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

Report of the Secretary-General

EXECUTIVE SUMMARY

The present report contains the financial performance report of the United Nations Observer Mission in Georgia (UNOMIG) for the period from 14 January to 15 May 1995. An amount totalling $6,880,136 gross ($6,468,136 net) was appropriated by the General Assembly for the operation of UNOMIG for that period. Of that amount, expenditure totalled $4,913,600 gross ($4,609,500 net), resulting in an unencumbered balance of $1,966,500 gross ($1,858,600 net).

The reported unencumbered balance resulted primarily from the unavailability of the planned helicopter and the non-deployment of a fixed-wing aircraft. Additional savings accrued under military and civilian personnel, transport operations, supplies and services and public information programmes. These savings were partially offset by additional requirements under communications equipment to cover the purchase of a satellite Earth station, which was rolled over from the prior mandate period.

The action to be taken by the General Assembly at its fiftieth session in connection with the financing of the Mission is as follows: a decision to retain the unencumbered balance of $1,966,500 gross ($1,858,600 net) for the period from 14 January to 15 May 1995 in the light of the outstanding assessed contributions.

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I. INTRODUCTION

1. In annex V to the report of the Secretary-General on the financing of the United Nations Observer Mission in Georgia (UNOMIG) (A/49/429) of 26 September 1994 and in paragraph 5 of addendum 2 to that report, the monthly cost of maintaining (UNOMIG) was estimated at $1,788,700 gross ($1,685,700 net) or $7,154,800 gross ($6,742,800 net) for a four-month period.

2. The General Assembly, by its resolution 49/231 A of 23 December 1994, authorized the Secretary-General to enter into commitments for a six-month period, commencing on 14 January 1995, at a monthly rate not to exceed $1,720,034 gross ($1,617,034 net, in connection with the operation of UNOMIG. By resolution 49/231 B of 12 July 1995, the Assembly appropriated an amount of $6,880,136 gross ($6,468,136 net) for UNOMIG for the four-month period from 14 January to 15 May 1995.

II. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD FROM 14 JANUARY TO 15 MAY 1995

3. The financial performance report for the period from 14 January to 15 May 1995 (annex I) and the supplementary information thereon (annexes II and III) reflect estimated expenditures of $4,913,600 gross ($4,609,500 net), resulting in an unencumbered balance of $1,966,500 gross ($1,858,600 net) from an appropriation of $6,880,136 gross ($6,468,100 net). This unencumbered balance results primarily from savings under air operations ($1,413,700) due to the unavailability of the planned helicopter and non-deployment of a fixed-wing aircraft, military personnel costs ($158,300), civilian personnel costs ($323,400), transport operations ($36,600), supplies and services ($22,800) and public information programmes ($83,600). Savings for military and civilian personnel resulted from fewer rotations and slower than anticipated deployment, respectively. The savings that accrued for transport operations were a result of lower costs for petrol, oil and lubricants and reduced spare parts requirements as 29 of the vehicles received were new. Savings under supplies and services relate mainly to medical supplies that did not require replenishment. The provision for public information programmes was not utilized as the planned activities were not undertaken.

4. The action to be taken by the General Assembly at its fiftieth session in connection with the financing of the Mission is as follows: a decision to retain the unencumbered balance of $1,966,500 gross ($1,858,600 net) for the period from 14 January to 15 May 1995 in the light of the outstanding assessed contributions.

Annex I

FINANCIAL PERFORMANCE REPORT FOR THE PERIOD FROM 14 JANUARY TO 15 MAY 1995

Summary statement

(In thousands of United States dollars)

	Original cost estimates (1)	Apportionment (2)	Estimated expenditures (3)	Savings/ (overruns) (4)=(2-3)
1. Military personnel costs				
(a) Military observers				
Mission subsistence allowance	1 447.7	1 447.7	1 372.1	75.6
Travel costs	180.0	240.0	145.1	94.9
Clothing and equipment allowance	9.0	9.0	9.2	(0.2)
Subtotal	1 636.7	1 696.7	1 526.4	170.3
(b) Military contingents	-	-	-	-
(c) Other costs pertaining to military personnel				
Contingent-owned equipment	12.0	-	12.0	(12.0)
Death and disability compensation	18.0	18.0	18.0	-
Subtotal	30.0	18.0	30.0	(12.0)
Total, line 1	1 666.7	1 714.7	1 556.4	158.3
2. Civilian personnel costs				
(a) Civilian police	-	-	-	-
(b) International and local staff				
International staff salaries	1 106.9	971.8	821.0	150.8
Local staff salaries	64.8	64.8	50.5	14.3
Consultants	-	-	-	-
Overtime	-	-	2.5	(2.5)
Common staff costs	706.1	698.6	519.2	179.4
Mission subsistence allowance	660.8	605.7	476.0	129.7
Travel to and from the Mission area	58.3	58.3	46.0	12.3
Other travel costs	9.0	9.0	169.6	(160.6)
Subtotal	2 606.0	2 408.2	2 084.8	323.4

	Original cost estimates (1)	Apportionment (2)	Estimated expenditures (3)	Savings/ (overruns) (4)=(2-3)
(c) International contractual personnel	-	-	-	-
(d) United Nations Volunteers	-	-	-	-
(e) Government-provided personnel	-	-	-	-
(f) Civilian electoral observers	-	-	-	-
Total, line 2	2 606.0	2 408.2	2 084.8	323.4
3. Premises/accommodation				
Rental of premises	77.2	77.2	84.6	(7.4)
Alterations and renovations to premises	-	-	7.0	(7.0)
Maintenance supplies	14.0	14.0	12.7	1.3
Maintenance services	15.4	15.4	4.3	11.1
Utilities	16.4	16.4	4.7	11.7
Construction/prefabricated buildings	-	-	-	-
Total, line 3	123.0	123.0	113.3	9.7
4. Infrastructure repairs	-	-	-	-
5. Transport operations	-	-	-	-
Purchase of vehicles	-	-	-	-
Rental of vehicles	-	-	-	-
Workshop equipment	-	-	-	-
Spare parts, repairs and maintenance	103.4	51.7	38.7	13.0
Petrol, oil and lubricants	90.3	45.2	21.6	23.6
Vehicle insurance	22.7	11.3	11.3	-
Total, line 5	216.4	108.2	71.6	36.6
6. Air operations				
(a) Helicopter operations				
Hire/charter costs	810.0	810.0	-	810.0
Aviation fuel and lubricants	75.7	75.7	-	75.7
Positioning/depositioning costs	-	-	-	-
Resupply flights	-	-	-	-
Painting/preparation	-	-	-	-
Liability and war-risk insurance	100.0	100.0	-	100.0
Subtotal	985.7	985.7	-	985.7

	Original cost estimates (1)	Apportionment (2)	Estimated expenditures (3)	Savings/ (overruns) (4)=(2-3)
(b) Fixed-wing aircraft				
Hire/charter costs	257.2	257.2	-	257.2
Aviation fuel and lubricants	40.1	40.1	1.8	38.3
Positioning/depositioning costs	-	-	-	-
Resupply flights	-	-	-	-
Painting/preparation	-	-	-	-
Liability and war-risk insurance	100.0	100.0	-	100.0
Subtotal	397.3	397.3	1.8	395.5
(c) Aircrew subsistence allowance	-	-	4.6	(4.6)
(d) Other air operation costs				
Air traffic control services and equipment	-	-	-	-
Landing fees and ground handling	40.0	40.0	2.9	37.1
Fuel storage containers	-	-	-	-
Subtotal	40.0	40.0	7.5	32.5
Total, line 6	1 422.9	1 423.0	9.3	1 413.7
7. Naval operations	-	-	-	-
8. Communications				
(a) Complimentary communication				
Communications equipment	-	-	191.8	(191.8)
Spare parts and supplies	20.0	20.0	22.9	(2.9)
Workshop and test equipment	-	-	-	-
Commercial communications	139.2	139.2	139.2	-
Subtotal	159.2	159.2	353.9	(194.7)
(b) Main trunking contract	-	-	-	-
Total, line 8	159.2	159.2	353.9	(194.7)
9. Other equipment				
Office furniture	-	-	5.6	(5.6)
Office equipment	-	-	8.0	(8.0)
Data-processing equipment	-	-	-	-
Generators	-	-	0.2	(0.2)
Observation equipment	-	-	-	-
Petrol tank plus metering equipment	-	-	-	-
Medical and dental equipment	-	-	-	-

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	Original cost estimates (1)	Apportionment (2)	Estimated expenditures (3)	Savings/ (overruns) (4)=(2-3)
Accommodation equipment	-	-	-	-
Miscellaneous equipment	-	-	8.0	(8.0)
Field defence equipment	-	-	-	-
Water purification equipment	-	-	-	-
Spare parts, repairs and maintenance	29.5	29.5	2.5	27.0
Total, line 9	29.5	29.5	24.3	5.2
10. Supplies and services				
(a) Miscellaneous services				
Audit services	9.0	9.0	9.0	-
Contractual services	8.0	8.0	7.2	0.8
Data-processing services	-	-	-	-
Security services	-	-	-	-
Medical treatment and services	13.3	13.3	-	13.3
Maintenance services	-	-	-	-
Claims and adjustments	4.0	4.0	4.0	-
Official hospitality	0.8	0.8	-	0.8
Miscellaneous other services	6.0	6.0	41.9	(35.9)
Subtotal	41.2	41.1	62.1	(21.0)
(b) Miscellaneous supplies				
Stationery and office supplies	13.0	13.0	13.5	(0.5)
Medical supplies	60.0	60.0	34.2	25.8
Sanitation and cleaning materials	8.0	8.0	1.3	6.7
Subscriptions	2.0	2.0	0.3	1.7
Electrical supplies	4.0	4.0	1.2	2.8
Ballistic-protective blankets for vehicles	-	-	-	-
Uniform items, flags and decals	9.8	9.8	0.6	9.2
Field defence stores	4.4	4.4	-	4.4
Operational maps	1.7	1.7	-	1.7
Quartermaster and general stores	-	-	8.0	(8.0)
Subtotal	102.8	102.9	59.1	43.8
Total, line 10	144.0	144.0	121.2	22.8

	Original cost estimates (1)	Apportionment (2)	Estimated expenditures (3)	Savings/ (overruns) (4)=(2-3)
11. Election-related supplies and services	-	-	-	-
12. Public information programmes	83.6	83.6	-	83.6
13. Training programmes	-	-	-	-
14. Mine-clearing programmes	-	-	-	-
15. Assistance for disarmament and demobilization	-	-	-	-
16. Air and surface freight				
Transport of contingent-owned equipment	-	-	-	-
Military airlifts	-	-	-	-
Commercial freight and cartage	60.0	60.0	60.0	-
Total, line 16	60.0	60.0	60.0	-
17. Integrated Management Information System	10.0	10.0	10.0	-
18. Support account for peace-keeping operations	221.5	204.7	204.7	-
19. Staff assessment	412.0	412.0	304.1	107.9
Gross total, lines 1-19	7 154.8	6 880.1	4 913.6	1 966.5
20. Income from staff assessment	(412.0)	(412.0)	(304.1)	(107.9)
Net total	6 742.8	6 468.1	4 609.5	1 858.6
21. Voluntary contributions in kind	-	-	-	-
Total resources	6 742.8	6 468.1	4 609.5	1 858.6

Annex II

FINANCIAL PERFORMANCE REPORT FOR THE PERIOD FROM
14 JANUARY TO 15 MAY 1995

Supplementary information

	Savings/ (overruns) (United States dollars)
1. Military personnel costs	
(a) Military observers	170 300

1. Savings under mission subsistence allowance ($75,600) resulted from a change to a single lower rate of $85 per day. The original cost estimates were based on a rate of $112 for the first 30 days and $86 after 30 days for 135 observers. Savings for travel costs ($94,900) were due to the rotation of 46 observers instead of the 60 anticipated and to the purchase of round-trip air tickets at an average cost of $3,000 instead of $4,000 each as the majority of the observers originated in Europe during this mandate period. The additional requirement ($200) under clothing allowance resulted from the payment of the allowance to 46 instead of 45 observers.

(b) Military contingents	-

2. No change.

(c) Other costs pertaining to military personnel	-
(i) Contingent-owned equipment	(12 000)

3. An additional amount of $12,000 was needed for reimbursement to a Government for the use of three ambulances.

(ii) Death and disability compensation

4. The amount of $18,000 allocated for death and disability has been fully obligated to cover potential claims for death, disability or injury of military personnel. As of the present date, no claims have been received. The total unliquidated obligations for this purpose from the inception of the Mission up to 15 May 1995 amount to $94,500.

2. Civilian personnel costs	
(a) Civilian police	-

5. No change.

(b) International and local staff 323 400

6. Savings totalling $486,500 were realized for international staff salaries ($150,800), local staff salaries ($14,300), common staff costs ($179,400), mission subsistence allowance ($129,700) and travel to and from the mission area ($12,300) since only 55 international staff and 62 local staff were deployed by the end of the mandate period instead of the 59 international staff and 81 local staff included in the cost estimates. Additional requirements totalling $163,100 arose for overtime ($2,500) and other travel costs ($160,600) for which no provision had been made in the cost estimates. The increased travel costs relate to travel by the Secretary-General to the Mission ($126,000), travel by two Accounts Division staff to install the PROGEN payroll system and train staff in its operation ($16,548) and to travel to Istanbul, Moscow and other destinations within the Mission area ($18,037) by Mission staff on official duty.

(c) International contractual personnel ..... -

7. No change.

(d) United Nations Volunteers ..... -

8. No change.

(e) Government-provided personnel ..... -

9. No change.

(f) Civilian electoral observers ..... -

10. No change.

3. Premises/accommodation 9 700

11. Savings totalling $24,100 were realized under maintenance supplies ($1,300) and maintenance services ($11,100) and utilities ($11,700). Monthly maintenance supplies costs were lower than anticipated; maintenance services were, for the most part, included in leases and the Pitsunda headquarters required only minimal maintenance. There were savings on utilities because of the irregular supply of electricity, resulting in reliance on generators instead.

12. An additional amount of $14,400 was required for rental of premises ($7,400) and alterations and renovations to premises ($7,000). Costs were incurred for the rental of newly established team-site bases and to supplement the existing provision for rental of premises, which was inadequate for the new headquarters, located in Pitsunda instead of Tskaltubo. Repairs were effected to driveways and electrical wiring upgraded at the Zugdidi Sector office. Doors and grills were secured for the cash vault, repairs/extension to the garage workshop and warehouse were undertaken and Mission premises were secured with barbed wire.

4. Infrastructure repairs ..... -

13. No change.

5. Transport operations 36 600

14. Savings totalling $36,600 for spare parts, repairs and maintenance ($13,000) and petrol, oil and lubricants ($23,600) were realized under this heading as the 29 new vehicles that arrived during the period required no repairs. Savings on the average daily operating costs for vehicles were realized as petrol, oil and lubricants were available at an average cost of $0.14 per litre for fuel and at $4 per litre for oil and lubricants.

6. Air operations 985 700

(a) Helicopter operations

15. Savings of $985,700 were realized for hire/charter costs ($810,000) aviation fuel and lubricants ($75,700) and liability insurance ($100,000) as the planned helicopter was not available during the mandate period.

(b) Fixed-wing aircraft 395 500

16. Savings totalling $395,500 were realized for hire/charter costs ($257,200), aviation fuel and lubricants ($38,300) and liability insurance ($100,000). The aircraft, which was received on 13 April 1995, was released on 30 June 1995 as the contractor was unable to obtain landing rights for its operation in countries other than the Russian Federation.

(c) Aircrew subsistence allowance ..... (4 600)

17. A requirement of $4,600 arose to cover payments to the aircraft crew while the aircraft was in the Mission area. No provision had been made for this expense in the original cost estimates.

(d) Other air operation costs

(i) Landing fees and ground handling 37 100

18. Savings of $37,100 were realized under this heading as the aircraft was not operational during the mandate period.

7. Naval operations..... -

19. No change.

8. Communications ..... (194 700)

20. Additional requirements under this heading include communications equipment ($191,800) and spare parts and supplies ($2,900). The above expenditures represent the rollover of the cost of a satellite Earth station that was not purchased in the prior mandate period.

9. Other equipment 5 200

21. Savings totalling $27,000 were realized for spare parts since the Mission was still without much of the equipment it needed. Additional requirements of $21,800 arose for the purchase of furniture ($5,600), office equipment ($8,000), generators ($200) and miscellaneous equipment ($8,000). These requirements represent partial rollovers from the prior mandate period and are as follows:

(a) Office furniture: chairs - 20; desks - 3; and filing cabinets and shelving required by 15 staff members who arrived during the mandate period;

(b) Office equipment: safes - 3; cash-counting machine - 1; overhead projectors - 6; paper shredders - 6; and calculators - 3;

(c) Miscellaneous equipment: cookers, gas cylinders and refrigerators.

10. Supplies and services

(a) Miscellaneous services ..... (21 000)

22. An additional $35,900 under miscellaneous services was incurred for bank charges, for which no provision had been made. Remittances had to be channelled from New York Headquarters through the United Nations Information Centre office in Moscow owing to the lack of banking facilities in the Mission area. Savings totalling $14,900 were realized for contractual services ($800), medical treatment and services ($13,300) and official hospitality ($800). No outside medical assistance was required and no hospitality expenses were incurred during the mandate period.

(b) Miscellaneous supplies 43 800

23. Savings of $52,300 were realized under this heading for medical supplies ($25,800), sanitation and cleaning materials ($6,700), subscriptions ($1,700), electrical supplies ($2,800), uniform items, flags and decals ($9,200), field defence stores ($4,400) and operational maps ($1,700). The requirement for medical supplies was less than anticipated as the existing stock was adequate. Cleaning supplies were available locally at lower prices than expected. The Mission obtained fewer magazines/newspapers than envisaged. Minimal electrical supplies were bought as existing facilities are adequate. The provision for uniform items was not fully utilized owing to fewer rotations of observers than planned. Savings for field defence stores and operational maps resulted from the slow expansion into team-site bases and observation posts. Additional requirements ($8,500) arose for quartermaster and general stores ($8,000) and stationery ($500). The items purchased were lock cylinders, keys, padlocks, screws, ladder, hose, batteries, copy-machine toners and film.

11. Election-related supplies and services ..... -

24. No change.

12. Public information programme 83 600

25. The scope of the public information activities originally envisaged for the Mission could not be undertaken during this brief period. It has since been decided to limit the activities to the distribution of printed material.

13. Training programmes ..... -

26. No change.

14. Mine-clearing programmes ..... -

27. No change.

15. Assistance for disarmament and demobilization ..... -

28. No change.

16. Air and surface freight ..... -

29. No change.

17. Integrated Management Information System ..... -

30. No change.

18. Support account for peace-keeping operations ..... -

31. No change.

19. Staff assessment 107 900

32. Savings totalling $107,900 accrued under this heading as only 55 of the 69 international civilian staff envisaged were on board.

20. Income from staff assessment ..... (107 900)

33. This amount is derived from item 19 above.

Annex III

INCUMBENCY REPORT FOR THE PERIOD FROM 14 JANUARY TO 15 MAY 1995

	January 1995		February 1995		March 1995		April 1995		May 1995	
	Authorized staffing	Actual deployment	Authorized staffing	Actual deployment	Authorized staffing	Actual deployment	Authorized staffing	Actual deployment	Authorized staffing	Actual deployment
Military observers	135	135	135	135	135	135	135	135	135	135
Civilian staff										
International staff										
Professional and above										
D-2	1	1	1	1	1	1	1	1	1	1
D-1	1	-	1	-	1	-	1	-	1	-
P-5	1	1	1	1	1	1	1	2	1	2
P-4	4	2	4	2	4	3	4	3	4	3
P-3	9	3	9	3	9	3	5	5	5	5
P-2/1	-	2	-	3	-	3	4	4	4	4
Subtotal	16	9	16	10	16	11	16	15	16	15
General Service and other										
General Service	16	14	16	13	16	14	16	16	16	15
Field Service	20	18	20	21	20	26	20	20	20	19
Security Service	7	2	7	2	7	3	7	6	7	6
Subtotal	43	34	43	36	43	43	43	42	43	40
Total, international staff	59	43	59	46	59	54	59	57	59	55
Vacancy rate		27%		22%		8%		3%		7%
Local staff	81	52	81	57	81	57	81	60	81	62
Vacancy rate		36%		30%		30%		26%		23%

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Agenda item 29

COMMEMORATION OF THE FIFTIETH ANNIVERSARY OF
THE UNITED NATIONS

Letter dated 7 November 1995 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a written statement in exercise of the right of reply to the statement delivered by Mr. Kim Young Sam of south Korea on 22 October 1995 at the Special Commemorative Meeting of the General Assembly on the Occasion of the Fiftieth Anniversary of the United Nations (see annex).

I would be grateful if you could arrange to have the present letter and attached statement circulated as a document of the General Assembly under agenda item 29.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

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ANNEX

Statement made by the delegation of the Democratic People's Republic of Korea in exercise of the right of reply

The delegation of the Democratic People's Republic of Korea responds to the statement by Mr. Kim Young Sam of south Korea at the Special Commemorative Meeting of the General Assembly on the Occasion of the Fiftieth Anniversary of the Founding of the United Nations (see A/50/PV.35) as follows:

The Korean war was an aggressive war provoked by the United States and its south Korean puppets in an attempt to do away with the Democratic People's Republic of Korea then in its cradle after their prolonged and thorough preparations, and the name of the United Nations was usurped in the Korean war.

Mr. Kim Young Sam asserted in his statement that south Korea was established in accordance with a United Nations resolution in 1948. His assertion has proved of its own accord that south Korea is not a sovereign State but a colony, and that the United Nations has handled the Korean question in the interests of the United States. A sovereign State is not to be established in accordance with a United Nations resolution. Therefore, it is not much to boast of south Korea being established by a resolution of the United Nations.

Korea should be reunified in accordance with the proposal for national reunification by means of confederation put forward by the great leader President Kim Il Sung.

The great leader President Kim Il Sung proposed that national reunification should be realized through confederation based on the concept of one nation and one State, two systems and two Governments, while leaving two different systems and ideas existing in the north and south of Korea as they are.

This proposal fully reflects the reality of the north and south of Korea, characterized by two different ideas and systems, as well as the desire of the entire Korean people for national reconciliation and reunification on the principle of neither side conquering and being conquered by the other, and therefore enjoys active support of people in the north and south as well as that of the people of the world.

We are firmly convinced that Korea will be reunified in accordance with the proposal put forward by the great leader President Kim Il Sung for national reunification through confederation.

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7 November 1995

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GENERAL ASSEMBLY
Fiftieth session
Agenda item 28
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 7 November 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the information of the Yugoslav Committee for the Collection of Data on Crimes Committed against Humanity and International Law on the genocide against the Serbs in Bosnia and Herzegovina.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

95-34314 (E) 091195 111195

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ANNEX

**Committee for the Collection of Data
on Crimes Committed against Humanity
and International Law**

**Date: August 23,1995
Belgrade, 10, Vlajkoviceva st.
Telephones: 330-369, 341-107
Fax: 334-133**

DECAPITATION AS A MEANS OF GENOCIDE OVER THE SERBS IN THE FORMER BOSNIA AND HERZEGOVINA

The magazine "Novi voks" published in Sarajevo promoted the most extreme Moslem stances and openly called for genocide of the Serbian people.

Thus in its October 1991 issue No.3, on page 40, in a regular feature called "Documents", "Novi voks" published an article entitled "What (is to be done) with the Serbs in the Moslem Republic of Bosnia and Herzegovina", which, inter alia, states the following:

> "1. Every individual Serb must be aware of the responsibility of the entire nation for his own uncontrolled acts. The punishment for evildoings committed will be collective - for one Moslem house torn down ten Serbian houses will be demolished, for one dead Moslem 100 Serbs will be liquidated. For a wounded Moslem, depending on the severity of the wound - 10 to 50 Serbs.
>
> 2. All Serbs will have 12-hour working days, the salaries of all employees will reflect the degree of their loyalty and will as a rule be by 30% below the salaries Moslems occupying the same posts receive.
>
> ...
>
> 9. A good Serb is a live and obedient Serb; or a dead disobedient Serb....".

The front page of the No.3 issue of this magazine which came out half a year before the so-called Republic of Bosnia and Herzegovina was proclaimed in April 1992, carried the message "Khanjar division readying" illustrated with a drawing of an

armed Moslem soldier beneath whom were the cut off heads of the Serb leaders Karadzic, Koljevic, Milosevic and Seselj with the Moslem soldier trampling Karadzic's head underfoot.

The khanjar division was a military unit composed of Moslems from Bosnia and Herzegovina, which, having previously been specially trained in France and Germany, fought on the side of fascist Germany in World War II and is remembered for the war crimes committed against the Serbian people by its members.

This cover page presaged what would start happening to the Serbs a year afterwards, when civil war broke out in the territory of the former Bosnia and Herzegovina as well.

There ensued a massive genocide of the Serbian people which involved the killing of Serbs by decapitation, as was characteristic of the period of Turkish rule in these lands, when the beheading of Serbs was common practice also. Ivo Andric, who was born here and is the only Yugoslav Nobel laureate for literature, also describes this in his books.

Following are some examples of this practice of killing Serbs by decapitation.

1. On May 26, 1992 Zvonko Zovko, from Podorasac near Konjic, a member of Croat-Moslem armed formations, chopped off the head of the Serb Sretko Kuljanin from Bradina near Konjic, who was captured in Bradina, took it to Konjic as a trophy, kicked it around the streets and in the end impaled it on a stake.

When Sretko's wife Branka, seven months pregnant, heard of this on May 28, she went into labour. However, the Moslem gynecologist in Konjic, Dr. Jusufbegovic, refused to attend to her although her waters had broken and he returned her to the Musala camp in Konjic where on June 14 1992 she gave birth to a child which, according to the findings of the Mother and Child Care Institute in Belgrade, was born with brain and optical nerve atrophy (in his second year a pronounced retardation in the development of the motor functions was established manifested as incomplete control of the head, inability to sit, stand on his legs and impaired vision with oculogyration and the inability to fixate the source of light). In the view of the physicians of this renowned child care establishment this is the consequence of premature birth and of adverse influences before birth and the prognosis is that the child will remain severely handicapped for life.

Proof: Documentation of the Committee 106/94.[1]

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[1] The documents on all cases specified in this report are kept by the Committee and shall be made available to juridical authorities. If there is interest, the Committee can forward additional information, except those protecting the integrity of witnesses.

2. After June 8, 1992, there remained only 13 Serbs, elderly men and women in the village of Ledici, the commune of Trnovo, most of whom met their death at the hands of Moslem-Croat military formations commanded by Ethem Godinjak, Head of the Secretariat of Internal Affairs in Trnovo before the war.

In this way was killed Rade Mijovcic (f. Aleksa), 70 years old. His body was found on August 7 with the head severed from the rest of the body.

The body of Savka Vasic (f. Nikola), a woman 78 years old, who was butchered on her doorstep, was also found without the head.

Members of Godinjak's unit found and arrested the last five remaining Serbs from the village of Ledici on June 18 and 19. They drove them in the direction of Treskavica and killed them on a spot called "Ledicka krivina".

During the in situ inspection carried out after the Serbs liberated this territory the beheaded bodies of all these five Serbs were found: Tankosava Mijovcic (f. Jovica), a woman 70 years old; Ljubica Vasic (f. Djura), a woman 84 years old; Ikonija Vasic (f. Lazar) a 92-year old woman: Zoran Vasic (f. Jovan), 71 years old and Milka Vasic (f. Danilo) a 56-year old woman.

Three of the heads were not found and two heads were found away from the bodies.

Proof: 228/94-30.

3. On October 5, 1992, Moslem armed formations attacked the house of Sreten Djokic in the village of Divovici near Bratunac, and two days later the bodies of the people killed in Divovici were handed over to the Serbs.

The body of Sreten Djokic was given without the head and the right arm. On the neck hung a patch of skin with hair from the top of his head.

The head and the arm were never found and the body was buried without them.

Proof: 37/94-6.

4. Nedeljko Lukic, 52 years old, was killed in the orchard in front of his house in the village of Vujicic near Brcko on September 14, 1992. His head was then cut off and taken away. He was buried without the head.

Proof: 144/95-10 and 617/95-14.

5. The Moslem Ejub Dugalic, a member of the "intervention platoon" in Slavonski Brod, forced Mirko Djeric from the village of Donja Mocila near Brod out of his house on July 12, St. Peter's Day, 1992.

He maltreated and tortured him and then returned him to the house and killed him in the bathroom. Then he cut his head off and left it in the attic.

Proof: 227/95-15.

6. Sometime in July 1992 Ivko Soldan brought two amputated human heads to Sijekovac near Bosanski Brod and showed them around Sijekovac and in the restaurant of Hazim Cutic saying that those were the heads of Serbs whom he had slain.

Proof: 227/95-15

7. The heads were also cut off of the Serbs Stojan Pudic and Perica Jovicic who had been taken prisoner by members of the 108th Bosanska Posavina brigade when the village of Bodeliste was attacked in March 1993.

According to the findings of the post mortem examiners of the corpse of Stojan Pudic his head was cut off most probably in two stages. The edge of a mechanical instrument severed the soft tissue of the neck in the first stage and in the second the body was cut through of the fourth cervical vertebra at a stroke with the edge of a heavy instrument. In the opinion of the examiners, he was probably first wounded by firearms in the lower limbs and then, as he lay there still alive, his head was cut off; the firearm wounds on the head and chest were inflicted only after the head had been cut off.

The findings in respect of Perica Jovicic were similar. He first sustained lacerations and contusions on the left side of the face and a double fracture of the jawbone and then while he was in lying position and still alive his head was cut off. The wound from a hand gun in the area of the left breast was inflicted after death i.e. after his head had been cut off.

Proof: 144/95-9.

8. Marko Ivanovic from Lisovic near Trnovo was killed by decapitation; his head was not found with his body on June 6, 1992 when the Serbs liberated this village, so that his body too was buried without it.

Proof: 228/94-26.

9. Janko Popovic was slaughtered in front of his house in Gornja Presjenica near Trnovo on July 7 1992. After slitting his throat they cut off his head.

Proof: 228/94-15.

Darko Parezanin, a captured Republic of Srpska soldier, taken prisoner on June 30, 1992 in Skoripov Gaj near Trnovo, was beheaded.

Spasoje Popovic was captured at the same time and his head was also cut off and it was never found so that his body too was buried without the head.

Proof: 228/94-32.

11. Zivko Markovic, 61 years old, was killed in the village of Mirusic in the commune of Foca.

His head was cut off and then put on a tree. This happened on May 20, 1992. His head was cut off, his left arm was cut off, he was flayed, his stomach ripped and saturated with salt.

Proof: 36/95.

12. On November 13, 1994, four members of the Army of the Republic of Srpska were taken prisoner at the Herzegovina war theater. After capture they were taken to the cellar of the Museum of the Revolution in Jablanica which had been turned into a camp for Serbs. In December 1994 they were killed.

Mirko Simic was killed by beheading. Adnan Salcin, a member of the Moslem army cut off his head with a saber. His body was exchanged in Podvelezje without the head, as was also noted in the post mortem examination carried out on March 18,1995.

Proof: 392/95 and 371/95.

13. Niko Males, born in 1931, was killed by decapitation on April 7, 1992 in the village of Rilic in the commune of Kupres.

Proof: 117/95-4.

14. In an attack on the Serb village of Brezani, the commune of Srebrenica, on June 30, 1992, members of Moslem armed forces killed 19 serb villagers. The body of Milos Novakovic from the hamlet of Cicevac was found with the head cut off.

Proof: 493/94-9, 493/94-5, 493/94-6, 493/94-7, 493/94-8 and 635/94-9.

15. Slavko Mladjenovic,(f. Ljubomir), born in 1965, was killed on August 8, 1992 during an attack on the village of Jezestice, the commune of Bratunac.

He was buried without the head which had been cut off and taken away.

Proof: 68/94 and 635/94-28.

16. In an attack launched on the village of Vrasalici, the commune of Rogatica, on November 20, 1992, Milos Kovacevic, about 65 years old, was shot dead in front of his house by Rusmir Balas. When Milos fell on the ground, Rusmir cut off his head and right arm at the elbow and his penis and then threw the head and penis away from the body.

Proof: 137/95-8.

17. Pero Ozic was killed in 1993 in Fojnica. He was first forced to dig his own grave and then killed and beheaded. Responsible for the killing is Omer Pobric, a militia commander in Fojnica before the war.

Proof: 319/95.

18. In clashes between Moslem armed forces and those of the Army of the Republic of Srpska on November 5,1992 in the area of Kamenica, the commune of Zvornik, the Moslems captured and killed by beheading Vlado Grabovica, Savo Djokic, Dragomir Bozic, Slavko Tijanic, Savo Kazanovic and Radomir Pavlovic.

Dragomir Bozic was massacred and the head severed from the body.

The head of Slavko Tijanic was found without the eyes, ears and nose, a 6 mm diameter iron bar was found in his chest, while his neck, hands and feet were tied with wire.

The head of Savo Kazanovic had also been cut off, his chest pierced with a large nail, and he himself nailed to an oak tree and crucified.

A head without the body was also found which is assumed to have belonged to Milos Grabovica.

The following were also killed in Kamenica on November 5,1992: Miladin Asceric, 28 years old; Mico Tesic, 24 years old and Nikola Milinovic, 27 years old. They were also beheaded.

Proof: 184/94-5, 184/95-6, 184/95-7 and 184/95-8.

19. In an attack launched on May 29, 1992 on the village of Bavar, the commune of Jajce, members of the Croato-Moslem army killed Stana Trifunovic, 68 years old. They slit her throat and then chopped her head off with an axe.

Proof: 116/95-12 and 333/95-1.

20. Mirko Dejanovic from Majevac was killed on May 6, 1992 in Ritesici by members of Croat armed formations from the villages of Ritesici and Brezak. They killed him by cutting his head off with a pickax. They cut off his penis and put it in his mouth.

His body had over 100 stab wounds inflicted with a knife. Jela Titura (female) from Ritesici took part in the killing.

Proof: 30/94

21. In July and August 1992 Moslem youths aged 15-16 carried around Sarajevo the heads of killed Serbs, which they found in the cellars of the part of Sarajevo called Dobrinja 5.

They played with and kicked around the heads and threw them in garbage bins.

Proof: 234/95-1.

22. In an attack carried out on June 3,1992 on the village of Brezane, the commune of Srebrenica, Moslems killed Milivoje Mitrovic and Stanoje Mitrovic. When this village was liberated in April 1993 their headless bodies were found.

Stanoje Mitrovic's throat had been slit by one "Kemo" from Pale.
Proof: 635/94-9.

23. The Moslems killed the Serb Sredoje Jovanovic from Krnice by beheading him when they attacked this village on July 5, 1992.

Proof: 493/94-13.

24. Milos Pepic from the village of Pepic, the commune of Kladanj, over 60 years of age, was killed on January 31, 1994 in the area of Banderka near Sehovici. They killed him by chopping his head off on a block with an axe.

Proof: 184/95-34

25. On September 24,1992 Moslem forces occupied the village of Podravanje in the commune of Milici, set it to fire, looted it and killed all the wounded

whom they found in the village. They killed 19 persons on that occasion and massacred their bodies.

Zulfo Tursumovic from Suceska had the severely wounded Tomislav Perendic put his head in his (Tursumovic's) lap and then slaughtered him and cut his head off.

Svetozar Jovanovic's head was cut off and impaled on a stake and Gojko Tomic was beheaded and his head thrown some 20 metres away from the body.

Proof: 184/95-34.

26. During the Moslem attack on the village of Snagovo on February 19, 1992, four villagers were killed. The head and one arm of Dobrivoje (other particulars are being established) were cut off.

Proof: 184/95-1.

27. Andja Vukomanovic was slaughtered early in August 1992 and her body was found towards the end of October 1992 in front of the house in the hamlet of Svaljak, the commune of Trnovo, with the head severed from the body.

Proof: 228/94-31.

28. After Trnovo was taken in July 1992, Serb civilians found in Trnovo and the vicinity were killed.

Danilo Misovic, 78 years old, was killed in front of his house in the village of Tosici near Trnovo. His remains were found buried under a dump heap.

These burials were organized by the so-called "Land Sanitation Commission". During in situ inspection and exhumation on August 13, 1992 his body was found without the head.

Drago Golijanin, 86 years old, was killed on July 31, 1992 on Rogoj, in an area called Rankcev Do. His remains were found on September 22, 1993, when it was established that the head had been severed from the rest of the body.

Proof: 228/94-23 and 228/94-25.

29. The Moslem Zijo Kubac slit the throat of the Serb Vasilije Lavljiv in mid-October 1993 in Sarajevo, on a spot called "Kazan", and then cut off his head with a knife and Mrs. Lavljiv was killed by Esad Tucakovic who also cut her head off. Then their bodies were hurled into the abyss.

Proof: 432/95.

30. In mid-September 1993 the Serbs Dusko Jovanovic and Ervin Nikolic were brought into the premises of the Headquarters of the tenth mountain brigade of the so-called Army of B&H in Bistrik, where they were beaten and then taken towards Bogusevac to a spot called "Kazan". There they took them into the sniper platoon dugout where they were again beaten and then Samir Ljubovic killed Jovanovic with a knife and Samir Pajkic cut off Nikolic's head.

Proof: 432/95.

31. In mid-October 1993 Predrag Salipur and his wife Katarina were arrested in their flat in Sarajevo, Borisa Kidrica street No. 3. On the orders of Musan Topalovic they were taken to the Headquarters of the 10th mountain brigade of the so-called Army of B&H together with Branislav Radosavljevic who happened to be in Salipur's flat. There they beat them.

Afterwards they were taken to a spot called "Kazan" where Nihad Hodzic cut the throat of Branislav Radosavljevic slashing it twice or thrice with a knife and then cut his head off. Then he gave the knife to Husein Hodzic who severed with it the head of Predrag Salipur who had been previously killed by Sabahudin Ziva and Omer Pendzo. Then they threw their bodies into the "Kazani" precipice.

Proof: 432/95.

32. According to the witness heard, a peasant woman 57 years old, while she had been held in prison at the Secondary Education Centre in Jajce in mid-1992, she had been made to listen to a tape describing the ordeals of Serbs at the hands of Croats and Moslems. Members of her family were also mentioned on the tape as having been slain by Croats and Moslems.

Specifically, she heard that her husband and son had been killed and that Moslems and Croats played soccer with their chopped off heads. She was made to listen to that tape every day.

After having been released from prison, she stated, she was so tormented and lost that she was unable to recognize her own son and husband when she was reunited with them.

Proof: 561/94-4.

33. Zekira Mulasmajic, an elementary school sixth grader from Novi Seher near Maglaj, speaks about the beheading of Serbs in her **Diary**.

In her entry of September 29, 1992, she wrote that the Moslems had taken Glipova Glava, and stated, inter alia:

> "... On that same day I saw something I never ever imagined I would see, a chopped off head of a Chetnik. Safet (Devletin) told Hido how some

guys had brought a Chetnik head and were playing ball with it. I and Lalo immediately went downtown to see whether that was true. And indeed some guys downtown were really carrying a wrapped head. Down by Bahro's shop they unwrapped it and I saw it... The face was black and the hair was horrible ... they say that the lad had been young, 22 at most. Nothing is surprising in this fratricidal war. There are lots of heads rolling about..."

Proof: 471/95.

34. In the area of Kruzno Groblje near Crni Vrh the following Serbs were killed by decapitation in mid-September 1992: Branislav Djuric, 40 years old, from Gornji Teslic; Blagoje Blagojevic, 46 years old and Nenad Cetkovic, 22 years old, from Jasenava near Teslic.

A mercenary from Saudi Arabia had his photograph taken with their cut off heads.

Proof: Zarko Krstanovic, **By Genocide Against the Serbs**, Belgrade, 1995.

35. In exchanges of bodies the Serb side is being given an increasing number of headless corpses, with it being established by post mortem examinations that the heads had been cut off. Thus the Moslem side handed over the headless bodies of the following persons, post mortem examinations of which were carried out on November 11, 1993 at the cemetery in Vlakovo in Sarajevo:

1. Slavko Rajcevic (f. Milan), born in 1957, from Sarajevo, and
2. Bosko Mizdrak (f. Steva), from Sarajevo.

In the vicinity of Trebinje such post mortem findings were established on March 7, August 17 and February 23, 1993 on the bodies of the following persons:

3. Slobodan Pejakovic (f. Ilija), born in 1960,
4. Zoran Radovic (f. Martin), born in 1966,
5. Petar Sekulovic (f. Danilo), born in 1960,
6. Djordje Bulut, born in 1949, and
7. Sasa Maras, born in 1973.

In the vicinity of Bileca such post mortem findings were established on July 11, 1992 on the bodies of the following persons:

8. Mile Trsic (f. Dragutin), born in 1946, from Mostar,
9. Milan Bojanic (f. Dragutin), born in 1956,
10. Luka Papic, born in 1954, and
11. Goran Mrkovic, born in 1960.

In the vicinity of Nevesinje, on March 18,1995, such post mortem findings were established on the body of:

12. Trifko Zuza (f. Dusan), born in 1947.

In the vicinity of Priboj, such post mortem findings were established on May 5,1994 on the bodies of the following:

13. Jovan Tomic (f. Steva), born in 1939, and
14. Dragan Jurkovic, born in 1965.

In Bratunac such post mortem findings were established on March 21 and 22, 1993 on the bodies of the following:

15. Bora Blagojevic, born in 1973,
16. Dragica Mastikosa, born in 1955, and
17. Miodrag Vorkapic, born in 1971.

In the village of Kravice such post mortem findings were established on March 18 and 19, 1993 on the bodies of the following:

18. Lazar Veselinovic (f. Kostadin), born in 1935,
19. Mitar Nikolic (f. Cvijan), born in 1927,
20. Kristina Eric, born in 1921, and
21. Djordje Miladinovic, born in 1936.

In Fakovic such post mortem findings were established on July 10 and 11, 1993 on the bodies of the following:

22. Ranko Rankic, born in 1933,
23. Zora Prodanovic, born in 1941, and
24. Obren Bogicevic, born in 1932.

In Zvornik such post mortem findings were established in October 1994 on the bodies of the following:

25. Cvija Kostic, born in 1927, and
26. Milorad Milic-Lazarevic, born in 1918.

Proof: Forensic findings of Dr. Zoran Stankovic, reg. under No. 471/95.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Iraq

Note by the Secretary-General

The Secretary-General has the honour the transmit to the members of the General Assembly the attached interim report prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, in accordance with paragraph 14 of Commission on Human Rights resolution 1995/76 of 8 March 1995 and Economic and Social Council decision 1995/286 of 25 July 1995.

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ANNEX

Interim report on the situation of human rights in Iraq, prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1995/76 and Economic and Social Council decision 1995/286

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I. INTRODUCTION

1. In accordance with paragraph 15 of Commission on Human Rights resolution 1995/76 of 8 March 1995, as approved by Economic and Social Council decision 1995/286 of 25 July 1995, the present report constitutes the interim report of the Special Rapporteur on the situation of human rights in Iraq. The final report will be submitted to the Commission on Human Rights at its fifty-second session.

2. In carrying out his mandate, the Special Rapporteur has again examined a wide range of information pertaining to general and specific allegations submitted through testimony and in documentary form, including script, photographs and video recordings. However, direct access to locations within Iraq has again not been possible owing to the Government's refusal so far to cooperate with the United Nations in receiving a return visit of the Special Rapporteur to Iraq or to accept the stationing of human rights monitors throughout Iraq pursuant to resolutions of the General Assembly and the Commission on Human Rights.

3. In implementation of paragraph 12 of Commission on Human Rights resolution 1995/76 regarding the sending of human rights monitors "to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq", and taking into account the Government of Iraq's refusal to cooperate in the placement of human rights monitors inside Iraq, the Special Rapporteur requested the sending of staff members of the Centre for Human Rights to Kuwait and Lebanon. These locations were chosen because of the possibility of obtaining relevant information from persons there who claim to be victims of, or eyewitnesses to, human rights violations committed by the Government of Iraq.

4. The first mission referred to above took place from 22 to 30 June 1995, when two staff members from the Centre for Human Rights travelled to Kuwait in order to follow up on the Special Rapporteur's continuing concern for Kuwaiti and third-country nationals who disappeared in the custody of Iraqi authorities during the illegal occupation of Kuwait in 1990 and 1991 (see, in particular, A/49/651, paras. 12-33 and 99) and, at the same time, in order to meet with Iraqi citizens who had recently fled from Iraq to Kuwait. During the visit to Kuwait, the staff members met with a wide range of persons and received testimony, together with supplementary information in documentary and photographic form. Section III of the present report describes the results of the mission based on information received prior to and during the visit to Kuwait.

5. The second fact-finding mission took place from 24 to 30 July 1995, when two staff members from the Centre for Human Rights travelled to Lebanon in order to interview Iraqi citizens who had recently arrived in that country. Three days were spent in the town of Chtaura towards the Lebanese border with the Syrian Arab Republic in order to meet with recently arrived Iraqi citizens living in the Syrian Arab Republic. Section IV of the present report describes the results of the mission based upon information received prior to and during the visit to Lebanon.

6. On 4 September 1995, the Special Rapporteur submitted his first periodic report to the Commission on Human Rights pursuant to Commission resolution 1995/76 (E/CN.4/1996/12), in which he studied the texts of two recent decrees of the Revolution Command Council that were reported to grant amnesty to specified categories of persons. A summary of the report, highlighting the Special Rapporteur's analysis and comments with regard to the importance of the decrees and their impact is reproduced in section II of the present report.

7. Among the most visible and disturbing policies of the Government of Iraq, affecting virtually the entire population, are those that concern the rights to food and health. In section V of the present report, the Special Rapporteur addresses the deteriorating situation regarding these most vital of economic rights and offers his conclusions as to the responsibilities of the Government of Iraq.

8. In section VI of the present report, the Special Rapporteur reports upon the referendum held in Iraq on 15 October 1995. In his analysis, he applies the international human rights standards to which Iraq has voluntarily ascribed in the area of civil and political rights.

9. Aside from the matters addressed below, it is again to be observed that there are no signs of improvement in the general situation of human rights in Iraq. The details of this overall assessment of the situation of human rights in Iraq, taking into account ongoing developments, will be given in the Special Rapporteur's report to the Commission on Human Rights at its fifty-second session.

II. REVOLUTION COMMAND COUNCIL DECREES NOS. 61 AND 64

10. On 28 July 1995, the Government of Iraq transmitted, through a note verbale from its Permanent Mission in Geneva addressed to relevant special rapporteurs and working groups of the Commission on Human Rights, the text of Revolution Command Council decree No. 61 dated 22 July 1995, which "remits the remainder of the sentences of Iraqi prisoners and detainees, commutes death sentences to life imprisonment and pardons persons liable to the penalty of amputation of the hand or the auricle of the ear". By a second note, dated 2 August 1995 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights, the Government of Iraq transmitted the text of Revolution Command Council decree No. 64 (bearing the signature of Saddam Hussein as Chairman of the Council and entering into force on 30 July 1995), which was said to grant "a general amnesty to Iraqis living in or outside Iraq in respect of the penalties imposed on them following their conviction for political reasons". The full texts of decrees Nos. 61 and 64 are reproduced in the annex to the Special Rapporteur's first periodic report (E/CN.4/1996/12).

11. The decrees introduce considerable opportunity for arbitrariness and abuse at the hands of undoubtedly biased persons. For example, paragraph II of decree No. 61 stipulates that reductions of sentences will apply only in such cases where the relatives of those imprisoned "undertake to ensure their good conduct" and "provided that the said undertaking is endorsed by a member of the Arab

Baath Socialist Party". Similarly, paragraph VI gives an advantage to those who have "obtained an understanding of the revolutionary course of action" while paragraph VIII, subparagraph 3, effectively conditions exemption from applicable amputation decrees upon repentance. For example, in terms of the independent and impartial administration of the criminal justice system normally required, one may wonder on what basis members of the Arab Baath Socialist Party are to play a determinative role.

12. If careful consideration is given to the many conditions and exclusions contained in the decrees, it will be seen that large numbers of persons apparently addressed by the decrees would not in fact enjoy any benefit. For example, the decrees apply only to persons "convicted" or "sentenced", presumably in a formal juridical sense, subsequent to court proceedings and orders. Yet large numbers of persons remain detained in Iraq, and are subject to punishment, in the absence of formal or proper convictions or sentences. These persons would not enjoy the benefit of the decrees.

13. Another limiting aspect of decree No. 64 is that it expressly applies only to "citizens" and "Iraqis" rather than anyone having been found guilty of commission of the offences irrespective of nationality. The application of paragraphs II and III of the decree are thus discriminatory in so far as they exclude non-nationals, whilst the Government has previously stripped hundreds of thousands of persons of their "Iraqi" nationality by asserting their "Persian ancestry".

14. Regarding the explicit exclusions to be found in the decrees, persons convicted of "espionage" are excluded from application of the decrees. This is a particularly important exclusion in the case of Iraq because so many laws refer to "espionage" and because the crime applies to a wide variety of behaviour.

15. Finally, there are evident shortcomings within decree No. 61 as regards the continuing effects of decrees prescribing amputations and branding. Specifically, paragraph III of decree No. 61 exempts from the penalty of amputation only those persons who have served two years in custody or detention; presumably, those having served less than two years will be subject to amputation, which normally is applicable upon conviction. In addition, since paragraph VIII.3 effectively exempts from amputation of the auricle of the ear only persons who have given themselves up "repentantly", presumably those who refuse to make such a declaration will still suffer the inhuman and degrading punishment.

16. The most important context for analysing the recent amnesty decrees is that of the overall legal and political order prevailing in Iraq. It is precisely the existence of several repressive Iraqi laws that quells freedom of thought, information, expression, association and assembly through fear of arrest, imprisonment and other sanctions. This repression will not be affected by the latest amnesty decrees. So long as powers of arbitrary arrest, detention and imprisonment exist, "amnesties" will inspire little confidence. This is especially so for "political" offences, while decrees such as No. 840 of 4 November 1986 continue to make critics and insulters of the President, the Baath Party and the institutions of government subject to the death penalty and

Baath Party members are granted impunity for any harm done to property or persons (including death) while pursuing opponents of the Government. Simply, while there is no effective rule of law in Iraq, there will be little confidence in the reliability of "amnesty" decrees.

17. It is for this reason that the Special Rapporteur has previously called for the abrogation of such repressive laws as those establishing the offence of "insulting" the leadership and institutions of government and the Baath Party, the granting of impunity for those causing harm to the person of property of "subversives", "saboteurs" and other perceived opponents of the Government or the Baath Party and the inhuman punishments of amputation and disfigurement examined by the Special Rapporteur in previous reports (see in particular, E/CN.4/1995/56).

III. THE MISSION TO KUWAIT

A. The fate of persons missing as a result of the Iraqi occupation of Kuwait

18. As noted in paragraph 4 above, two staff members from the Centre for Human Rights, acting as human rights monitors in the framework of Commission resolution 1995/76, undertook a visit to Kuwait from 22 to 30 June 1995. During their stay in Kuwait, the monitors met with a wide variety of persons of special relevance to the continuing problem of Kuwaiti and third-country nationals who disappeared during or subsequent to their alleged arrest and detention by Iraqi forces occupying Kuwait between 2 August 1990 and 26 February 1991. Among those interviewed were representatives of the Kuwaiti National Committee for Missing and Prisoner of War Affairs and family members of the Kuwaitis who had disappeared.

19. The fate of Kuwaitis and other persons who disappeared during Iraq's occupation of Kuwait forms part of the mandate of the Special Rapporteur as a result of paragraph 4 of Commission resolutions 1992/71 and 1993/74, paragraph 5 of Commission resolution 1994/74 and paragraph 3 of Commission resolution 1995/76. The Special Rapporteur briefly addressed this aspect of the mandate in two reports to the Commission (E/CN.4/1993/45, para. 49, and E/CN.4/1994/58, para. 32) and more extensively in his last report to the General Assembly (A/49/651, paras. 12-33 and 99).

20. As previously stated by the Special Rapporteur (see A/49/651, paras. 31 and 32), there can be no doubt that many persons disappeared during or subsequent to the Iraqi occupation of Kuwait. In so far as the disappearances occurred during the Iraqi occupation of Kuwait, there can also be no doubt of the general responsibility of Iraq under international law for the fate of these persons and the effects on their families. Detailed testimonies and other corroborative evidence further establishes the specific responsibility of Iraqi forces and authorities in relation to many individual cases. However, from the point of view of the relations of those who disappeared, the preoccupying question is the present whereabouts of their loved ones: are these persons still detained in Iraq, as has been claimed, or, in the event that they have

been released or have perished, what details can be communicated to the distraught families regarding the release or death of former detainees?

21. Certainly, the human tragedy of this continuing matter is enormous both in terms of any remaining detainees who are no doubt suffering untold emotional anguish and possibly enduring physical hardship and in terms of the relatives of the missing persons who are suffering severe mental distress because they are without knowledge of the whereabouts and condition of their loved ones. The relatives of the missing persons also report that they are regularly subjected to extortion attempts that play upon their desires to learn anything of those missing. As a result of the never-ending uncertainty and the unresolvable pain and depression, the social lives, employment performance and personal relationships of family members are all damaged.

22. In accordance with the applicable rules of international law, Iraq must account for those who were arrested by its forces. If Iraq were still to be holding prisoners of war (POWs) and civilian internees, a premise the Iraqi authorities deny, several obligations arising under international humanitarian law and international human rights law would be breached.

23. In addition, the Government of Iraq has, to the knowledge of the Special Rapporteur, failed to demonstrate a genuine concern for those who are still missing in so far as it has yet to participate fully and in a cooperative spirit with both Governments and international humanitarian organizations that are seeking to resolve the cases on behalf of the next of kin. In particular, the Government of Iraq failed for a period of two years even to attend the meetings of the Tripartite Committee established pursuant to the cease-fire agreement that ended the armed conflict following the liberation of Kuwait.

24. However, as from July 1994, the Government of Iraq renewed its participation in the framework of the Tripartite Committee, as well as in the framework of a Technical Subcommittee that was established by the Tripartite Committee on 8 December 1994, and has undertaken to conduct the detailed technical work relating to investigations and inquiries concerning the missing persons. As of 7 April 1995, the Technical Subcommittee had processed 168 dossiers, on which the Government of Iraq had provided preliminary replies based on intermediate investigations regarding 70 individual files. In addition, the mortal remains of one missing person were repatriated to the Kuwaiti authorities.

25. For almost all cases to which the Government of Iraq has so far responded, it is reported to have provided evasive replies regarding the individual files. Indeed, based upon information received during the mission, despite the Iraqi authorities admitting to having arrested and detained some of the missing Kuwaitis, the Government of Iraq claims to be ignorant of the specifically relevant authority or military unit operating at the time and place where the person disappeared; the Government claims that the files that could have been useful to determine the fate of the missing persons were destroyed during the retreat of the Iraqi authorities from Kuwait and that many of these units were subsequently dissolved, with many of their members having retired from the armed forces. Therefore, the Government of Iraq maintains, upon information collected verbally by the responsible officers after the 1991 uprising in the south of

Iraq, that the detainees escaped by exploiting the confusion that prevailed in the southern governorates at the time.

26. Based upon information received by the Special Rapporteur, the specific military units responsible in the areas where the arrests and disappearances occurred have now resorted to pro forma responses, admitting only to having arrested and detained some of the still missing Kuwaitis. Some have also participated in initial investigations into some of the cases.

27. Noting that the Government of Iraq is showing to a certain extent its willingness at long last to collaborate with the Tripartite Committee, the Special Rapporteur stresses that Iraq is under an obligation to provide substantive replies on the individual files without further delay. It is to be recalled in this connection that, in its resolution 46/135 of 17 December 1991, the General Assembly called upon Iraq in the following specific terms to cooperate in the search for those who had disappeared:

> "4. ... to provide information on all Kuwaiti persons and third-country nationals deported from Kuwait between 2 August 1990 and 26 February 1991 who may still be detained and ... to release these persons without delay;
>
> "5. ... to provide ... detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who may have died during or after that period while in detention, as well as on the site of their graves;
>
> "6. ... to search for the persons still missing and to cooperate with international humanitarian organizations, such as the International Committee of the Red Cross, in this regard;
>
> "7. ... to cooperate and facilitate the work of international humanitarian organizations, notably the International Committee of the Red Cross, in their search for and eventual repatriation of Kuwaiti and third-country national detainees and missing persons."

28. Notwithstanding Iraq's recent but limited steps towards full cooperation in this tragic matter, the Special Rapporteur cannot avoid noting that Iraq failed:

(a) To inform families about the whereabouts of persons arrested in Kuwait, or to give arrested persons the right to contact their families;

(b) To provide information about death sentences imposed on POWs and civilian detainees, as required by articles 101 and 107 of the Third Geneva Convention of 12 August 1949 and articles 74 and 75 of the Fourth Geneva Convention of 12 August 1949;

(c) To issue death certificates for deceased POWs and civilian internees and to provide information about graves in accordance with articles 120 and 121 of the Third Geneva Convention of 12 August 1949 and articles 129 to 131 of the Fourth Geneva Convention of 12 August 1949;

To comply at least with this, the Government of Iraq faces a heavy burden of doing everything within its powers to explain the fate of the hundreds of persons who still remain missing as a result of its illegal occupation of Kuwait.

B. Information regarding other violations of human rights

29. Other information (mainly testimonies from asylum-seekers) received in Kuwait by the monitors assisting the Special Rapporteur paints an even grimmer picture of life in southern Iraq. Testimonies focused upon the climate of oppression and the dire economic and social situation in the south of the country. The second of these issues will be taken up in section V below.

30. According to testimonies received, penal amputations continued to be enforced in southern Iraq in the spring and early summer of 1995. Military deserters who had escaped to Kuwait stated that they saw many soldiers with their ears cut off. Two young men who were interviewed had suffered the penalties themselves: one had both his ears entirely amputated in a rough fashion and had a "-" sign scar in the middle of his forehead, which he stated was the result of a surgical cut applied at the time of the amputation of his ears, while the other young man had a large and dark "‡" sign branded between his eyebrows and had large inflamed scars running up and down his arms and on his body from battery acid that had been poured on him by military officers as an alternative to cutting off his ears; the officers had also fractured the skull of the second soldier with a metal pipe, resulting in a speech impediment and recurring dizzy spells. The deserter who had had both his ears amputated testified that he had been given a general anaesthetic in a prison hospital where the operation was performed and where he had remained without medicine for weeks afterward; his bandages were changed only every two weeks. He further testified that he was among several hundreds of others who had been brought from throughout Amarah, Nassiriyah and Basrah governorates in order to have their ears cut off in the prison hospital. While some were said also to receive the surgical cut across the forehead as had the witness, others were said to have been branded on the forehead with an "X". Many were said to have acquired infections, received no treatment and died. Another soldier who claimed to have had access to military detention centres as part of his work testified to having seen at least 30 soldiers in various places who had had their ears cut off, stating that they were bandaged and bleeding, with some having acquired infections for which they were prohibited treatment and for which, in any event, there were no medicines available. These testimonies were supported by that of a medical doctor who had fled from Basrah, where he confirmed that many young men had been brought to the hospitals to have their ears cut off: one ear for the first desertion, both ears for a second offence, and branding of the foreheads for all. While anaesthetics were used for the operations, which were described as an irregular cut followed by a suture, post-operative treatment was forbidden; one victim was said to have died of septicemia. For the brandings, the technique employed was a cauterized "-" sign across the forehead. The doctor stated that he had heard from other doctors that a total of 150 amputations were performed in January 1995. The doctor also confirmed that they were forced to perform the operations or receive heavy penalties for

refusal: one doctor who refused was arrested by the Mukhabarat for two days and returned compliant, while another disappeared.

31. The testimonies concerning amputations confirm what the Special Rapporteur had reported in his last report to the General Assembly (A/49/651, paras. 44-71 and 99 (j)). They also demonstrate the arbitrary and irregular fashion in which the barbaric decrees have been implemented.

32. Other testimonies indicated that arbitrary arrests and detentions remained widespread in southern Iraq. Several witnesses testified that, upon arrest, they had been beaten and badly mistreated. All witnesses testified that they had fled because of the constant fear in which they lived and that the economic deterioration had increased the arbitrary interference of security and Baath Party officials in the daily lives of the citizenry. Bribery and corruption were also said to be rife. There was said to be no rule of law.

33. The witnesses were unanimous that the food and health situation, and the socio-economic situation in general, had become precarious. Most stated that they were preoccupied in their daily lives with achieving a subsistence-level existence. The medical doctor who was interviewed confirmed that protein and calorie deficiencies were common among children, as were cases of anaemia and related diseases. The doctor lamented the unavailability of many medicines and the emergence of a flourishing, but very expensive, black market for drugs. Although the doctor had seen no deaths as a result of malnutrition, he stressed that the situation was deteriorating day by day prior to his departure in the spring.

34. In general terms, one witness described Iraq as "one huge prison" where all within huddled in fear. Another witness pleaded that the United Nations should ignore the Government of Iraq and "take food and medicine directly to the people". All felt that Iraqi society was shattered.

IV. THE MISSION TO LEBANON

35. The testimonies received in Lebanon were mainly from refugees who had recently fled from the central part of Iraq. All gave testimony about a general state of repression and fear throughout Iraq and all indicated that the overall socio-economic situation was poor, with dire consequences for the most vulnerable in terms of access to food and health care.

36. In general, life was said to be harsh and expensive. Government ration cards were said to be good for only 10 days in early 1995. Two witnesses claimed to have seen food aid from the United Nations being sold on the black market; one witness testified to having seen United Nations Children's Fund (UNICEF) and World Food Programme (WFP) trucks in Najaf and Karbala offloading at government distribution points only to see some of the food appear on the black market later. Expired goods (including milk and medications) were also said to be distributed through the Government of Iraq with the Government accusing the United Nations of dumping the goods on a desperate people.

37. Two witnesses testified to having seen army deserters who had had an ear cut off and had been branded on the forehead. The desertions were blamed on the extremely low pay for conscripted soldiers, which had forced many to desert in order to help their families to survive. Now many have been disfigured, while others are said to have died as a result of the initial traumas or subsequent untreated infections. Those who survive are said to hide in shame. One witness said that some victims and their families had sought revenge for the disfigurements by trying to kill the doctors and Baath Party officials who had performed or ordered the amputations; several such incidents were said to have taken place in Nassiriyah.

38. Many witnesses testified about the general breakdown in law and order: bribery, corruption and thievery were said to be the main problems. Matters of corruption ranged from petty to issues of life and death. One witness stated that "even if you kill someone, you can still buy your freedom by paying the judge". Another witness testified that higher education had become completely corrupt with professors, who were very poor, readily accepting bribes to change grades, to give out the questions to examinations in advance or just to grant a passing grade to a student who had already answered all the questions correctly. Admissions are said to be controlled by the Baath Party and the children of important Baathists are said to get privileged entrances and advancements throughout the system: easier admissions, easier passes and better grades. Another witness stated that the problem of bribery had reached such a stage that those who were to be executed could buy their freedom from the executioner, but then someone else had to be executed in their stead to ensure that a body was surrendered by the executioner as per instructions. The general decay in order, parallelled by an increase in corruption, has resulted in a confused and thoroughly arbitrary system where it is said to be a regular occurrence that the wrong people are arrested, detained, tortured and even executed - without apology or consequence.

39. Arbitrary arrests were said still to be common throughout the country, with people still being taken directly from their homes. The Mukhabarat is said to be still preoccupied with trying to find everyone who participated in the March-April 1991 uprisings.

40. Upon arrest, cruel tortures and gross mistreatment still occur. Two witnesses gave testimony, corroborated by their own scars and disabilities, about terrible tortures that they suffered over long periods of time. One witness testified that, during three and one half years of arbitrary detention (first in the General Directorate of Security in Baghdad and then in Radwaniyah prison) prior to his release in the spring of last year, he was regularly hanged from his hands, which were bound behind his back, with someone pulling down on his body so that his rotator cups were destroyed and he can now rotate his arms backwards over his head but he can carry hardly any weight. In addition, he was badly beaten on his back, causing some of his vertebrae to become displaced and resulting in a serious curvature of the spine: he is now deeply bowed when he stands. Further, he was forced on several occasions to sit on a bottle for minutes at a time causing bleeding and rectal damage that required medical treatment and, on one occasion, he suffered electric shocks to his tongue and genitals. The second witness claimed to have been imprisoned and brutally tortured over a 12-year period in the Mukhabarat office in Baghdad, Fadhliyah

detention centre and Badush prison in Mosul. Among the astounding number and variety of tortures he claims to have suffered are the following: he was hanged by his feet from a rotating fan and beaten with cables by Mukhabarat officers; he was forced to sit on bottles of varying sizes for various periods of time; he was once made to stand in a large tub of filthy waste water up to his nose so he could hardly breath; he was once sprinkled with sulphuric acid from a syringe during an interrogation; during another interrogation, he had a heavy acidic oil poured on one arm; he was administered electric shocks on different occasions, once while sitting in a chair with his feet in a shallow bucket of water, causing his feet to inflame and making it difficult to walk; he once had a small leather strap tied around his penis to prevent him from urinating while, at the same time, he was forced to drink large quantities of sugared water; he was several times forced to crouch for long periods in a tiny box; and he was raped numerous times. Having been sentenced to life imprisonment for espionage and membership in the Islamic movement, the witness claims to have been liberated during an uprising by the al-Jabouri clan in Mosul in 1994 and subsequently fled the country. The witness bears numerous scars and suffers disabilities that are consistent with his testimony.

V. THE RIGHTS TO FOOD AND HEALTH

41. The Special Rapporteur has commented upon the rights to food and health in all but one of his previous reports to the Commission on Human Rights and to the General Assembly (A/46/647, annex, paras. 52-55 and 95-98; E/CN.4/1992/31, paras. 81-83, 138, 143 (w), 145 (o) and (p) and 158; A/47/367, para. 14; A/47/367/Add.1, paras. 6-14, 56 (a)-(c) and 58 (a)-(c); E/CN.4/1993/45, paras. 67-72 and 185; A/48/600, annex, paras. 33-42, 44-46, 58-59 and 62-88; E/CN.4/1994/58, paras. 72-79, 152 and 186; A/49/651, annex, paras. 89-98; and E/CN.4/1995/56, paras. 44-47, 54, 67 (m) and 68 (c)). Since his initial appointment in June 1991, the Special Rapporteur has observed the constantly deteriorating situation of the population. This dire situation has met with the steadfast refusal of the Government of Iraq to take advantage of resources available to alleviate the suffering of the people - as the Government is obliged to do under international law. As such, there can be no doubt that the policy of the Government of Iraq is directly responsible for the physical and mental pain, including long-term disabilities, of millions of people and the death of many thousands more.

42. Since the Special Rapporteur's last report to the Commission on Human Rights (E/CN.4/1995/56), the Security Council adopted resolution 986 (1995) of 14 April 1995, which affords Iraq the opportunity of selling oil up to the amount of US$ 1 billion every 90 days, on a renewable basis, in order to purchase essential food and medical supplies for humanitarian purposes. As was the case with the "food-for-oil" formula presented pursuant to Security Council resolutions 706 (1991) and 712 (1991), the Government of Iraq has rejected the offer made in resolution 986 (1995), despite the fact that the total available annual sale would be US$ 4 billion, i.e. about one quarter of Iraq's total export sales prior to its invasion of Kuwait and the imposition of United Nations economic sanctions. The United Nations offer received unfavourable responses from the Government from its inception and was turned down completely by both the Iraqi Cabinet of Ministers and the National Assembly. It is

interesting to note that, immediately after Security Council resolution 986 (1995) was adopted, market prices of essential food and other commodities improved significantly and the free market value of the United States dollar dropped by 50 per cent against the Iraqi dinar from ID 1,200 to ID 600. Such a sustained drop in prices would have had the effect of making more food and other essential commodities available to those in need. However, the drop in prices and exchange rates was short lived following the negative response from the Government and the appearance of several Ministers and other top officials on television who categorically decried and rejected resolution 986 (1995) on unspecified grounds of "sovereignty infringement and interference in the internal affairs of Iraq". Senior officials also argued that the new initiative was designed to prolong the sanctions - an assertion that flies in the face of the fact that it is for Iraq alone to comply fully with the terms of the relevant Security Council resolutions and end the sanctions regime forthwith.

43. As a consequence of the Government of Iraq's intransigence on the "food-for-oil" formula, the economic situation continued to deteriorate and prices of essential food items and basic living commodities fell even further beyond the reach of a large part of the population. According to the Department of Humanitarian Affairs mid-term review of the United Nations consolidated inter-agency humanitarian cooperation programme for Iraq, dated 21 September 1995, in the last six months "the humanitarian situation deteriorated in all sectors, particularly in the areas of nutrition and health. Living conditions remain precarious for at least an estimated 4 million persons". Essential food prices have continued to escalate drastically, especially after the release of the last reports of the United Nations Special Commission monitoring the dismantling of Iraq's nuclear, chemical and biological capacities; prices of wheat flour, rice, vegetable oil and sugar increased between 30 and 50 per cent on the free market. For example, the price of vegetable oil jumped from ID 800 to ID 1,200 per kilogram, the increase accounting alone for 15 per cent of the monthly salary of an average government employee. These large increases in the prices of food commodities must also be viewed in relation to the oppressive 616 per cent increase in the central and southern governorates in 1994, as reported by the Department of Humanitarian Affairs (see DHA News special edition, "1994 in review", p. 111). At the same time, the Department of Humanitarian Affairs reported in the same mid-term review, that the "purchasing power of the population has deteriorated further because of the continued depreciation of the Iraqi dinar from 1,000 to the dollar in April to 2,000 ID in September 1995" such that the "salaries of civil servants (averaging ID 5,000 per month after 50-70 per cent increments in August 1995) are inadequate for the purchase of basic food commodities".

44. The Government has continued distribution of its subsidized food basket at reduced levels for four essential food items, namely wheat flour, rice, vegetable oil and sugar. In October 1994, the basket was reduced by 37 per cent in terms of calorie intake, with the shortfall of over 50 per cent remaining unbridgeable for a large percentage of the population in view of the prohibitive food prices on the free market. This situation prevailed until just recently when, in celebration of his "endorsement" as President in the national referendum held on 15 October 1995, President Saddam Hussein was reported to have increased the rations. It is not clear how long this celebratory increase will continue. Prior to it, government rations met only 30 per cent of people's

food needs with the Department of Humanitarian Affairs reporting that "an FAO-led crop and nutrition status assessment mission confirmed that the situation in Iraq was demonstrating pre-famine conditions".

45. The economic hardship affecting the population is being manifested in various ways. More and more families have been cramming roadways around Baghdad and other cities to sell personal belongings, furniture and even parts of their homes (e.g. doors, windows and cement blocks) in order to buy food. Child beggars and small-time traders are now a common sight in the capital and prostitution is said to be rising all over the country. Media reports also point to a flourishing trade in human organs as the desperate line up to sell a kidney in order to help their families to survive.

46. Although the number of privileged groups and persons appears to be declining, certain groups remain privileged by comparison to others, e.g. highranking military officers and Baath Party elite. This privilege is to be observed not only in the fact that the average salary of a civil servant is one half that of a military officer, but more importantly in the fact that members of the Baath Party and military officers enjoy their own food distribution network through cooperatives and they receive special salary allowances depending on their relationships with their supervisors and the extent of their support for the official policies of the Government. Of course, this is to say nothing of the bribes and "gifts" that government and Baath Party officials may obtain by virtue of the important administrative positions to which they may be assigned. Moreover, the inner circle of the leadership does not appear touched by any economic hardships affecting their access to food or health care.

47. It is also evident that there is discrimination within the country on a regional basis. The central cities of Iraq, especially Tikrit, Samara and parts of Baghdad, continue to enjoy preferred distribution of limited resources; while the infrastructure (including water purification and sewage systems) of Baghdad was rebuilt almost immediately after the war, that of the southern cities has continued to lag far behind. For example, according to a survey conducted by government agencies with the full support of UNICEF in April 1995 and released in July 1995, 50 per cent of the rural population in the central/southern part of Iraq have no access to potable water supplies. More distressingly, the same survey found that 90 per cent of the rural population in the southern governorate of Thiqar had no access to potable water supplies. An erratic electric power supply and a shortage of water has had a negative impact on public health, with adverse effects on vulnerable groups, especially children. One hospital in Najaf was found without water for three consecutive days. In addition, commodity prices in the southern governorates are much higher than in the central governorates, owing to the deteriorating modes of transport and the cost of distribution. In the northern governorate of Dohuk, which was cut off from the national power grid in August 1993 and had been receiving 12 MW of power per day from Turkey over the past few months, there has been almost no electricity since 23 June when, for technical reasons, the Turkish source of power was also cut off. The resulting non-availability of power during the summer months created enormous problems in the health and water sectors. According to the DHA News special edition, "1994 in review" (p. 112), severe

shortages of electricity also "prompted significant movement of people, placing greater strain on the humanitarian programme" last year.

48. Among the related health problems are the increasing levels of contaminated water as recorded by the ongoing UNICEF-sponsored water quality control programme. As a result, the number of cases of waterborne and diarrhoeal disease was seen to increase. Initial investigations by UNICEF had indicated that water was not being chlorinated as required, and subsequent follow-up revealed that UNICEF's chlorine powder had been put on sale in the market for domestic use - available in well-designed, locally printed packets and tins. This increase in corruption affecting the health and well-being of the population derives from the continuing economic pressures and the inability of the authorities to ensure proper use of humanitarian assistance.

49. In the face of the continuing deterioration of the food and health situation in Iraq in the last year, to say nothing of other forms of repression, many Iraqis sought to travel abroad to obtain food, health care or refuge. In response, the Government increased by 150 per cent the exit tax on all Iraqis travelling abroad; the fee was increased from ID 40,000 to ID 100,000 (i.e. almost two years' pay for an average government employee). In addition, skilled persons such as engineers, architects and doctors are required to post a guarantee of return in the amount of ID 1 million in the form of cash in a bank account or fixed property. This prohibitive exit tax forces many people to remain in Iraq to the detriment of their health and well-being.

50. Beyond the Government of Iraq's refusal to cooperate with the United Nations according to Security Council resolution 986 (1995), which proposes an increased sale of "oil for food", beyond the Government's restrictions on access to food and health in certain parts of the country and beyond the severe restrictions on exit from the country, the Special Rapporteur has received credible allegations that Iraqi forces have continued their attacks on the farming communities (with destruction of their crops and livestock) located along the internal frontier with the region of northern Iraq, from which the Government withdrew its administration in 1991. Similar allegations have been received concerning some attacks against farmers in the south of the country, resulting in the destruction of wheat and barley crops and livestock. These attacks negatively affect the internal food resources available for the rest of the population.

51. According to the Department of Humanitarian Affair's mid-term review and the assessment mission of the Food and Agriculture Organization of the United Nations (FAO), both referred to above, Iraq's "overall food requirements" in 1995/96 amount to "about US$ 2.7 billion". To keep alive 2.15 million of the most vulnerable people through 1996, a WFP News Update of 26 September 1995 states that US$ 122.5 million is required. An earlier United Nations consolidated inter-agency humanitarian cooperation programme for Iraq appealed for a total of US$ 135 million for the current six-month period (i.e. 1 October 1995-31 March 1996). The Special Rapporteur cannot help but underscore that the stated amounts are far below the resources available through Security Council resolution 986 (1995), even should the Government of Iraq finally take advantage of the opportunity to sell some oil for the good of the Iraqi people. Indeed, it is entirely within the means of the Government of Iraq

to respond immediately to the dire food and health needs of the people of Iraq either through full compliance with the Security Council resolutions establishing the sanctions or by cooperation with the United Nations pursuant to resolution 986 (1995).

VI. THE REFERENDUM OF 15 OCTOBER 1995

52. On 15 October 1995, a national referendum was held in Iraq on the question: "Are you in favour of Saddam Hussein assuming the post of President of the Republic of Iraq?" In order to analyse and understand the process and significance of the referendum in terms of applicable international human rights standards, it is necessary to consider the political context in which the referendum was held. In this connection, the Special Rapporteur refers to his previous comments on the rights pertaining to democratic governance in Iraq (E/CN.4/1994/58, paras. 80-86) and to the structure and abuse of power in the country (E/CN.4/1994/58, paras. 159-184).

53. The applicable international standards by which the 15 October 1995 referendum is to be assessed are those contained principally in article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights, to which Iraq is a party. Both article 21 of the Universal Declaration and article 25 of the Covenant stress the free expression of the will of the people as the basis for determining the legitimate representatives of the people. However, for the will of the people to be freely formed and expressed, a variety of other freedoms must be respected, in particular the freedoms of thought, conscience, religion and belief (as guaranteed under article 18 of the Covenant); opinion, expression and information (as guaranteed under article 19 of the Covenant); assembly (as guaranteed under article 21 of the Covenant); and association (as guaranteed under article 22 of the Covenant). One could easily also add other freedoms such as that of movement and respect for personal integrity and privacy rights. In other words, the possibility of non-manipulated and unimpaired formation of views and also the uninfluenced expression of those views must be guaranteed.

54. As the Special Rapporteur has previously commented in detail (see E/CN.4/1994/58, paras. 80-86 and 159-184), the conditions necessary to ensure that the free will of the people is the basis of the authority of government do not exist in the present legal and political order of Iraq. More specifically, the almost total control of information coupled with an all-pervasive and generalized fear among the population of severe sanctions for non-support of the prevailing order, maintained through abuses of power and facilitated by the absence of the rule of law in the country, combine to undermine and distort apparent expressions of the "will of the people" totally. While the Government purports that the referendum of 15 October 1995 was "free", the Special Rapporteur does not believe that the mere mechanical conduct of the formal process of voting can be equated with a genuine expression of the will of the people in Iraq. This is because the risk of being found in opposition to the President and the prevailing order is literally life-threatening: according to Revolution Command Council decree No. 840 of 4 November 1986, any person insulting the President of the Republic, the Revolution Command Council, the National Assembly, the Government or the Baath Party is subject to severe

penalties, including death. This kind of law placed in the hands of a totally intrusive security apparatus, unconstrained by any respect for the rule of law, means that virtually no citizen would risk demonstrating any opposition to the presidency or Government - or would do so at his mortal peril. Indeed, this conclusion is logical as long as there exists in Iraq such coercive forces as decree No. 840 or political attacks against, and killings of, perceived oppositional leaders (see, e.g., A/49/651, paras. 72-88).

55. Given the prevailing legal and political order in Iraq, the national referendum of 15 October 1995 confirmed nothing except the fact that, even amid heavy economic pressures, the government authorities are capable of organizing such an event in a period of only three weeks and achieving, according to Iraqi television, a 99.96 per cent "approval" of the President from a staggering participation rate of 99.467 per cent of the 8,402,321 eligible voters. Perhaps more noteworthy is the fact that the overwhelming results were achieved without the President once having to address the people, appear in public, make a single promise or in any sense campaign to win the approval of the electorate. The extremely high turn-out also indicates that the population was already fully identified and listed by voting district at the time the referendum was announced. This fact underlines the degree to which the government authorities are in control of the movement and activities of people within the country.

56. Regarding the conduct of the referendum, all eligible voters were reportedly sent a two-part ballot card prior to the referendum with the first part of the card requiring detailed personal identification and with the second part, detachable from the first, constituting the ballot itself. At the polling stations, voters were to present to the referendum administrators, in the presence of various Iraqi security forces and Baath Party officials, the first part of the ballot card together with official papers verifying their identity and eligibility, whereupon voters were directed to complete the second part of the card in a separate booth and then to place their completed ballots into an opaque sealed box. In the light of the overall political order in Iraq, but also in the light of the specific process at the polling stations, it may be appreciated that few if any voters would have felt confident to express their views against the President just after having formally presented themselves to security forces and Baath Party officials. Indeed, this may to large extent explain the remarkable fact that not one person voted against the President in the governorates of Karbala, Najaf, Misan, Muthana or Dhi Qar, while only 18 voted against in Basrah, i.e. virtually no one voted against the President in the southern governorates that had been the scene of bloody uprisings in April 1991. However, this seemingly paradoxical voting result may well be an entirely rational result based on fear resulting from the harsh repression of April 1991 and its aftermath; the population has now been totally subdued, made to conform, become economically exhausted and totally dependent. In such circumstances, it would appear natural to follow one's basic survival instincts and vote rationally in favour of the President, although this "rational" vote could hardly be construed as an expression of the genuine will of the people.

57. One important fact is that the participating voters hardly represented the totality of the relevant Iraqi population. To begin with, between 2 and 3 million eligible voters in the northern governorates of Arbil, Dohuk and Suleimaniyah did not participate because the central authorities withdrew from

the region in October 1991, leaving it to its own local administration. A second group of about 2 million Iraqis also was not taken into account by the referendum: these persons fled or were expelled from Iraq and now live outside their country precisely because of President Saddam Hussein and his policies; for the most part, these people voted against Saddam Hussein with their feet.

58. In trying to understand the significance of the referendum, which is, in fact, the first time in Saddam Hussein's presidency that he has ever gone directly to the people, the Special Rapporteur notes the remarks of Deputy Prime Minister Tariq Aziz, as reported by the Iraqi News Agency in Baghdad on 17 October 1995, who stated that the referendum was part of a process of moving "from revolutionary to constitutional legitimacy". Without fully understanding the notion of "revolutionary legitimacy" as it applies to a Government that has prevailed for well over a quarter century, the Special Rapporteur understands from Mr. Aziz's remarks that Iraq is certainly not a State with constitutional legitimacy, i.e. Iraq is not a State under the rule of law. Certainly, this admission by Mr. Aziz only confirms what the Special Rapporteur has observed since he first took up his mandate: in so far as the prevailing legal and political order in Iraq does not respect the rule of law, Iraq is in violation of its international obligations in the field of human rights law. However, in relation to the internal political regime within Iraq, it would appear that the logic of the present "revolutionary legitimacy" would not have required Saddam Hussein to relinquish the presidency even if he had not succeeded in obtaining an "endorsement" from the people: he could simply have continued to lead the revolution as he had been doing so far. If this means that the referendum had no legal implication within the State, then what was the motivation for the event? By this analysis, it would appear that the referendum had little to do with domestic legitimacy or respect for human rights (indeed, it was a mockery of international human rights standards), but more to do with an external political agenda. In the view of the Special Rapporteur, this was the significance of the referendum of 15 October 1995.

VII. CONCLUSIONS

59. From his analysis of Revolution Command Council decrees Nos. 61 and 64, the Special Rapporteur concludes that their heavily conditioned nature greatly reduces their possible value to the addressees. Moreover, in the absence of far greater change in the legal and political order of Iraq, especially the abrogation of repressive laws quelling freedoms of thought, information, expression, association and assembly, decrees Nos. 61 and 64 merit virtually no confidence. In the light of the legal system and political situation that prevail in Iraq, and barring the abrogation of existing laws, the effect of the so-called "amnesty" decrees cannot be considered a step towards liberalization of the government system in accordance with the obligations undertaken by the Government of Iraq.

60. With respect to the several hundred persons who still remain missing as a result of the illegal Iraqi occupation of Kuwait in 1990 and 1991, the Special Rapporteur reaffirms his opinion that the Government of Iraq is fully responsible for the fate of these persons and must take every step to assist in determining their exact whereabouts or fates. The Special Rapporteur concludes

that the Government's resumption of participation in the Tripartite Commission is a positive step that needs to be followed up by full, open and energetic cooperation aimed at resolving the outstanding cases without any further delay.

61. On the subject of the amputation decrees, which are still in force within Iraq notwithstanding decrees Nos. 61 and 62, the Special Rapporteur concludes that they remain gross violations of human rights and an offence to the population as a whole and, in particular, to the individuals who must endure their cruel and unusual punishments.

62. With regard to the rights to food and health, the Special Rapporteur emphasizes again the responsibility of Iraq, pursuant to article 2 of the International Covenant on Economic, Social and Cultural Rights, to which Iraq is a party, "to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources" to alleviate the suffering of the people.

63. As concerns the national referendum of 15 October 1995, the Special Rapporteur concludes that the result in no way reflects the genuine will of the people as required by article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. To the contrary, in the prevailing legal and political order in Iraq with life-threatening laws applicable to persons expressing any opposition to the Government, the conduct of the referendum made a mockery of relevant international human rights standards.

VIII. RECOMMENDATIONS

64. The Government of Iraq should immediately abrogate any and all decrees that prescribe cruel and unusual punishment or treatment.

65. The Government of Iraq should immediately take every necessary step to abolish the practices of torture and cruel and unusual punishments and treatment.

66. The Government of Iraq should step up its cooperation with the Tripartite Commission aiming to discover the whereabouts or resolve the fate of the several hundred Kuwaitis and third-country nationals who disappeared under the illegal Iraqi occupation of Kuwait in 1990 and 1991.

67. The Government of Iraq should immediately cooperate with the United Nations to organize a sale of oil in order to purchase desperately needed humanitarian goods as authorized by Security Council resolution 986 (1995).

68. The Government of Iraq should immediately abrogate all laws penalizing the free expression of competing views and ideas and should take all necessary steps to ensure that the genuine will of the people is the basis of the authority in the State.

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FINANCING OF THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

Report of the Secretary-General

SUMMARY

The present report contains the financial performance reports of the United Nations Observer Mission in El Salvador (ONUSAL) for the periods from 1 December 1994 to 30 April 1995 and from 1 to 31 May 1995. An amount totalling $4,634,000 gross ($4,080,500 net) was approved by the General Assembly for the operation of the Observer Mission for the period from 1 December 1994 to 30 April 1995 and $113,500 gross ($95,400 net) for the liquidation of the Observer Mission during the period from 1 to 31 May 1995. Of the amount approved for the operation of ONUSAL for the period from 1 December 1994 to 30 April 1995, expenditure totalled $5,460,000 gross ($4,825,800 net), resulting in the additional requirement of $826,000 gross ($745,300 net) for the period. Expenditure for the liquidation phase totalled $129,600 gross ($113,100 net) resulting in the additional requirement of $16,300 gross ($17,700 net).

The reported additional requirements resulted mainly from the increased activities of the Observer Mission during the last months of the ONUSAL presence in El Salvador, including the need to keep the larger than projected number of international and local staff on board until the end of the mandate period. This led to additional requirements under civilian personnel costs, maintenance supplies and services, and public information programmes.

The savings realized for the reporting periods related to commercial freight and cartage and resulted from charging the costs of shipping of the Observer Mission's vehicular and other equipment to the recipient mission's accounts.

The actions to be taken by the General Assembly at its fiftieth session are set out in paragraph 11 of the report.

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I. INTRODUCTION

1. The present report is submitted to provide the financial performance reports of the United Nations Observer Mission in El Salvador (ONUSAL) for the periods from 1 December 1994 to 30 April 1995 and from 1 to 31 May 1995.

II. STATUS OF ASSESSED CONTRIBUTIONS

2. The status of assessed contributions received and unpaid as at 31 October 1995 is summarized in the table below. Total outstanding assessments of $22,554,171 are due from Member States for the United Nations Observer Group in Central America (ONUCA) ($10,661,802) and for ONUSAL ($11,892,369). In order to provide ONUSAL with the necessary cash flow requirements, $4 million has been borrowed from the United Nations Operation in Mozambique (ONUMOZ) special account. This amount has not yet been repaid.

Status of contributions since the inception of ONUCA (7 November 1989) and ONUSAL (1 July 1991) as at 31 October 1995

(United States dollars)

	ONUCA	ONUSAL	Total
Amount appropriated	114 163 900	123 978 500	238 142 400
Credits to Member States			
From staff assessment income	(1 543 675)	(6 460 132)	(8 003 807)
From other income	(20 255 743)	(8 303 785)	(28 559 528)
Net amount apportioned	92 364 482	109 214 583	201 579 065
Less: Payment received	81 702 680	97 322 214	179 024 894
Balance due	10 661 802	11 892 369	22 554 171

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III. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD FROM 1 DECEMBER 1994 TO 30 APRIL 1995

3. Annex I to the present report sets out by budget line item the cost estimates of the Secretary-General for ONUSAL for the period from 1 December 1994 to 30 April 1995 as per annex V of his report (A/49/518/Add.1) (column 1), the apportionment of the appropriation provided by the General Assembly in its resolution 49/246 of 12 July 1995 (column 2), the estimated non-recurrent expenditures (column 3), recurrent expenditures (column 4) and the total expenditures for the period (column 6). Supplementary information in respect of expenditures is contained in annex II and the authorized and actual staffing for military and civilian personnel are shown in annex V.

4. In its report of 1 June 1995 (A/49/458/Add.1 and Corr.1), the Advisory Committee on Administrative and Budgetary Questions recommended reductions to the cost estimates of the Secretary-General of $5,215,600 gross ($4,613,900 net) for the operation of ONUSAL for the period from 1 December 1994 to 30 April 1995 totalling $581,600. These reductions were based on the preliminary expenditures of ONUSAL for the period from 1 December 1994 to 30 April 1995 as at 9 June 1995. The General Assembly, in its resolution 49/246, concurred with these recommendations of the Advisory Committee.

5. The apportionment shown in column 2 of annex I incorporates the reductions recommended by the Advisory Committee.

6. Expenditures are estimated at $5,460,000 gross ($4,825,800 net), resulting in an additional requirement of $826,000 gross ($745,300 net) above the appropriation of $4,634,000 gross ($4,080,500 net).

7. Most of the additional requirements resulted from the need to retain all of the international and local staff until the end of the mandate period, as explained in paragraph 9 of annex II.

IV. FINANCIAL PERFORMANCE REPORT FOR THE PERIOD FROM 1 TO 31 MAY 1995

8. Annex III to the present report sets out by budget line item the cost estimates of the Secretary-General for ONUSAL for the period from 1 to 31 May 1995 as per paragraph 24 of his report (A/49/518/Add.1) (column 1), the apportionment of the appropriation provided by the General Assembly in its resolution 49/246 (column 2) and the estimated recurrent expenditures (column 3). Supplementary information in respect of the expenditures is contained in annex IV and the authorized and actual staffing for civilian personnel are shown in annex VI.

9. In its report (A/49/458/Add.1 and Corr.1), the Advisory Committee recommended no change in the cost estimates of the Secretary-General, which amounted to $113,300 gross ($95,400 net). The General Assembly, in its resolution 49/246, also approved the cost estimates of the Secretary-General for the liquidation of ONUSAL for the period from 1 to 31 May 1995

10. The additional requirements of $16,300 gross ($17,700 net) for the liquidation of the Observer Mission related to local personnel costs and rental of premises. These requirements resulted from the need to retain one local staff member on duty until the end of June 1995, revision of the local salary scale and the initial underestimation of the rental requirements of ONUSAL during the liquidation period.

V. ACTION TO BE TAKEN BY THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION

11. The action to be taken by the General Assembly at its fiftieth session in connection with the financing of ONUSAL is as follows:

(a) To approve the additional requirements of $826,000 gross ($745,300 net) for the operation of the Observer Mission for the period from 1 December 1994 to 30 April 1995;

(b) To approve the additional requirements of $16,300 gross ($17,700 net) for the liquidation of the Observer Mission for the period from 1 to 31 May 1995;

(c) To defer the appropriation and assessment of an additional amount of $826,000 gross ($745,300 net) for the period from 1 December 1994 to 30 April 1995 to its resumed session, pending the issuance of the final performance report for the Mission;

(d) To defer the appropriation and assessment of an additional amount of $16,300 gross ($17,700 net) for the period from 1 to 31 May 1995 to its resumed session, pending the issuance of the final performance report for the Mission;

(e) To defer the treatment of the unencumbered balance to its resumed session, pending the issuance of the final performance report for the Mission.

	Original cost estimate (1)	Apportionment (2)	Estimated expenditure Non-recurrent (3)	Estimated expenditure Recurrent (4)	Total estimated expenditure (5)=(3)+(4)	Savings/ (overruns) (6)=(2)-(5)
5. Transport operations						
Purchase of vehicles	-	-	-	-	-	-
Rental of vehicles	17.0	17.0	-	-	-	17.0
Workshop equipment	-	-	-	-	-	-
Spare parts, repairs and maintenance	54.6	54.6	82.6	-	82.6	(28.0)
Petrol, oil and other lubricants	20.7	20.7	-	19.4	19.4	1.3
Vehicle insurance	9.1	9.1	-	4.5	4.5	4.6
Total, line 5	101.4	101.4	82.6	23.9	106.5	(5.1)
6. Air operations						
(a) Helicopter operations	33.8	33.8	-	32.4	32.4	1.4
(b) Fixed-wing aircraft	-	-	-	-	-	-
(c) Other air operation costs	-	-	-	-	-	-
Total, line 6	33.8	33.8	-	32.4	32.4	1.4
7. Naval operations	-	-	-	-	-	-
8. Communications						
Complementary communications						
Communications equipment	-	-	-	-	-	-
Spare parts and supplies	8.0	8.0	4.9	-	4.9	3.1
Workshop and test equipment	-	-	-	-	-	-
Commercial communications	15.0	15.0	-	34.2	34.2	(19.2)
Spare parts and supplies	-	-	-	-	-	-
Total, line 8	23.0	23.0	4.9	34.2	39.1	(16.1)

	Original cost estimate (1)	Apportionment (2)	Estimated expenditure: Non-recurrent (3)	Estimated expenditure: Recurrent (4)	Total estimated expenditure (5)=(3)+(4)	Savings/ (overruns) (6)=(2)-(5)
9 Other equipment						
Office furniture	-	-	-	-	-	-
Office equipment	-	-	-	-	-	-
Data-processing equipment	-	-	-	-	-	-
Generators	-	-	-	-	-	-
Observation equipment	-	-	-	-	-	-
Petrol tank and metering equipment	-	-	-	-	-	-
Medical and dental equipment	-	-	-	-	-	-
Accommodation equipment	-	-	-	-	-	-
Tentage	-	-	-	-	-	-
Refrigeration equipment	-	-	-	-	-	-
Air-conditioning equipment	-	-	-	-	-	-
Miscellaneous equipment	-	-	-	-	-	-
Spare parts, repairs and maintenance of equipment	2.0	2.0	7.1	-	7.1	(5.1)
Water-purification and water tank equipment	-	-	-	-	-	-
Total, line 9	2.0	2.0	7.1	-	7.1	(5.1)
10. Supplies and services						
(a) Miscellaneous services						
Audit services	8.5	8.5	-	8.5	8.5	-
Contractual services	25.0	25.0	-	28.7	28.7	(3.7)
Security services	72.5	72.5	-	76.1	76.1	(3.6)
Medical treatment and services	20.0	20.0	-	7.6	7.6	12.4
Official hospitality	5.0	5.0	-	2.6	2.6	2.4
Claims and adjustments	-	-	-	0.9	0.9	(0.9)

	Original cost estimate (1)	Apportionment (2)	Estimated expenditure Non-recurrent (3)	Estimated expenditure Recurrent (4)	Total estimated expenditure (5)=(3)+(4)	Savings/ (overruns) (6)=(2)-(5)
Miscellaneous and other services	2.5	2.5	-	3.2	3.2	(0.7)
Subtotal	133.5	133.5	-	127.6	127.6	5.9
(b) Miscellaneous supplies						
Stationery and office supplies	12.0	12.0	14.6	-	14.6	(2.6)
Medical supplies	3.0	3.0	-	-	-	3.0
Sanitation and cleaning materials	5.0	5.0	3.2	-	3.2	1.8
Subscriptions	2.0	2.0	3.6	-	3.6	(1.6)
Uniform items, flags and decals	1.5	1.5	0.1	-	0.1	1.4
Riot-control supplies	-	-	-	-	-	-
Field defence stores	-	-	-	-	-	-
Miscellaneous and other supplies (quartermaster and general stores)	-	-	-	-	-	-
Electrical supplies	-	-	-	-	-	-
Subtotal	23.5	23.5	21.5	-	21.5	2.0
Total, line 10	157.0	157.0	21.5	127.6	149.1	7.9
11. Election-related supplies and services	-	-	-	-	-	-
12. Public information programmes						
Materials and supplies	-	-	-	-	-	-
Contractual services	-	-	-	-	-	-
DPI production costs	20.0	20.0	-	31.2	31.2	(11.2)
Total, line 12	20.0	20.0	-	31.2	31.2	(11.2)
13. Training programmes	-	-	-	-	-	-
14. Mine-clearing programmes	-	-	-	-	-	-

	Original cost estimate (1)	Apportionment (2)	Estimated expenditure: Non-recurrent (3)	Estimated expenditure: Recurrent (4)	Total estimated expenditure (5)=(3)+(4)	Savings/ (overruns) (6)=(2)-(5)
15. Assistance for disarmament and demobilization	-	-	-	-	-	-
16. Air and surface freight						
Transport of contingent-owned equipment	-	-	-	-	-	-
Charter of vessel for resupply	-	-	-	-	-	-
Commercial freight and cartage	171.5	171.5	-	43.9	43.9	127.6
Total, line 16	171.5	171.5	-	43.9	43.9	127.6
17. Integrated Management Information System	-	-	-	-	-	-
18. Support account for peace-keeping operations	256.3	214.6	-	214.6	214.6	-
19. Staff assessment	601.7	553.5	-	634.2	634.2	(80.7)
Total, lines 1-19	5 215.6	4 634.0	116.1	5 343.9	5 460.0	(826.0)
20. Income from staff assessment	(601.7)	(553.5)	-	(634.2)	(634.2)	80.7
Net total, lines 1-20	4 613.9	4 080.5	116.1	4 709.7	4 825.8	(745.3)

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ANNEX II

Financial performance report for the period
from 1 December 1994 to 30 April 1995

Supplementary information

(United States dollars)

1. Military personnel costs ..... (7 300)

(a) Military observers

1. The additional requirement of $2,200 for mission subsistence allowance was due to the 32 extra person/days spent by three military observers in the mission area in April 1995. The cost estimates provided for a total of 407 person/days, whereas the actual number of person/days spent by the military observers in the mission area was 439. This happened because three military observers were repatriated at the end of the mandate period instead of the one military observer projected for repatriation on 31 March and two on 22 April 1995. The authorized and actual numbers of observers during the period under review are provided in table 1.

Table 1. Authorized and actual numbers of military observers from 1 December 1994 to 30 April 1995

	December	January	February	March	April		
					1	22	30
	1994	1995					
Authorized	3	3	3	3	2	-	-
Actual	3	3	3	3	3	3	3
Difference	-	-	-	-	(1)	(3)	(3)

2. The additional requirement of $5,100 for travel was due to the higher than projected cost of repatriation travel of the three military observers. The provision of $6,000 made in the cost estimates was based on an average cost of $2,000 for each repatriation, whereas the actual average cost of travel was $3,700.

(b) Military contingents .....

3. No change.

/...

(c) Other costs pertaining to military personnel .....

4. No change.

2. Civilian personnel costs 38 500

(a) Civilian police

5. Savings for mission subsistence allowance resulted from the earlier than projected repatriation of civilian police monitors from the mission area in April 1995. Twelve ONUSAL civilian police monitors remained in the mission area after the expiration of the Observer Mission's mandate, attached to the newly formed good offices mission, the United Nations Mission in El Salvador (MINUSAL). In view of the early repatriation of 11 police monitors during the period from 16 to 22 April 1995, a total of 66 person/days were not utilized, resulting in savings of $4,500 for the period. Table 2 shows the authorized and actual numbers of civilian police during the period under review.

Table 2. Authorized and actual numbers of civilian police from 1 December 1994 to 30 April 1995

	December	January	February	March	April			
					1-15	16-22	23-29	30
	1994	1995						
Authorized	46	40	40	40	33	28	9	-
Actual	46	40	40	40	33	17	12	12
Difference	-	-	-	-	-	11	(3)	(12)

6. Table 3 shows the projected and actual number of repatriation trips of civilian police monitors during the period under review.

Table 3. Projected and actual numbers of repatriation trips of civilian police from 1 December 1994 to 30 April 1995

	Projected		Actual		Difference	
	Number	Cost a/	Number	Cost a/	Number	Cost a/
Repatriation trips	31	92	19	58	12	34

a/ Thousands of United States dollars.

7. As shown in table 3, savings for the travel of police monitors resulted from 12 fewer repatriations of civilian police during the period under review. These 12 police monitors remained in the mission area as part of the newly formed good offices mission.

(b) International and local staff ..... (862 300)

8. Table 4 provides the projected and actual numbers of international staff in the mission area during the reported period.

Table 4. Projected and actual numbers of international staff from 1 December 1994 to 30 April 1995

	December	January	February	March	April		
					1-15	16-29	30
	1994			1995			
Projected	59	58	58	56	48	8	8
Actual	59	58	58	56	48	48	8
Difference	-	-	-	-	-	(40)	-

9. As shown in table 4, the additional requirement of $240,700 for international staff salaries was due to the fact that 40 international staff who planned to withdraw from the mission area by the middle of April 1995, left only on 30 April 1995 in order to ensure a smooth transition to post-ONUSAL activities, the good offices mission. Two of the regional offices and the San Salvador regional office continued to function until the end of April 1995 for MINUSAL to take over those offices thereafter.

10. Table 5 shows the projected and actual numbers of locally recruited staff in the mission area during the reported period.

Table 5. Projected and actual numbers of locally recruited staff from 1 December 1994 to 30 April 1995

	December	January	February	March	April		
					1-15	16-29	30
	1994			1995			
Projected	91	91	91	90	79	16	16
Actual	91	91	91	90	79	79	16
Difference	-	-	-	-	-	(63)	-

11. As shown in table 5, the additional requirement of $145,500 under local staff salaries was due to the following factors:

(a) A total of 79 local staff, rather than 16, stayed on until the end of the mandate period in view of the post-ONUSAL activities, the establishment of MINUSAL and carrying out, at the same time, the closing down procedures for ONUSAL. The corresponding additional costs amounted to $113,300;

(b) As at 1 January 1995, based on salary survey revision 26, local staff salaries in El Salvador were increased by 9.5 per cent. This resulted in an additional requirement of $32,200.

12. Savings under consultants were due to the utilization of fewer work/months of international consultancy than projected in the cost estimates. A total of 2.8 work/months of international consultants were not utilized, which at the estimated cost of $10,800 per month resulted in savings of $30,100 for the period under review.

13. The additional requirement for overtime was caused by the higher than anticipated utilization of overtime hours and night differentials during the period under review owing to the unforeseen continuation of 63 locally recruited staff until the end of the mandate.

14. The additional requirement of $599,200 under common staff costs was required for the following reasons:

(a) The unforeseen delays in the repatriation of 40 international staff and 63 local staff, as explained in paragraphs 9 and 11 above, resulted in additional costs of $294,300;

(b) At the end of the mandate period compensation for accrued annual leave balances of locally recruited staff amounted to $304,900. No provision for this was made in the cost estimates for the period under review.

15. Savings of $46,500 under mission subsistence allowance resulted from accumulated credits for periods of annual leave at the end of the mandate period, during which no mission subsistence allowance was paid to international staff.

16. Savings of $50,300 for travel to and from the mission area resulted from the lower cost of repatriation travel of international staff than projected in the estimates. The budgetary provisions were based on an average cost of $2,000 per trip, while the actual average cost of repatriation was $1,100.

17. Savings of $1,000 for other travel costs were due to the lower cost of three official trips to Headquarters of senior ONUSAL officials than projected in the cost estimates.

(c) International contractual personnel ..... -

18. No change.

(d) United Nations Volunteers ..... -

19. No change.

(e) Government-provided personnel ..... -

20. No change.

(f) Civilian electoral observers ..... -

21. No change.

3. Premises/accommodation ..... (13 500)

22. The initial provision of $15,000 for the renovation of ONUSAL premises upon completion of the Mission's mandate proved to be higher than the actual costs. The savings of $11,600 were redeployed for maintenance supplies. No provision was made in the cost estimates for maintenance supplies for the ONUSAL premises. The Observer Mission, however, provided maintenance supplies and maintenance services for the following premises:

(a) ONUSAL headquarters in San Salvador;

(b) Regional offices in San Salvador, Chalatenango and San Miguel;

(c) A warehouse in San Salvador;

(d) An office for the ONUSAL police force;

(e) An office used for the communications and transport workshops.

23. Consequently, unbudgeted expenditure of $10,600 occurred for maintenance supplies for the above-mentioned premises during the reporting period.

24. No provision was made in the cost estimates for maintenance services. The unforeseen expenditure of $12,100 represented cleaning services provided to the Observer Mission during the period under review for an average of $2,400 per month.

25. The additional requirement of $2,400 under utilities was due to the later than projected closure of the regional offices in San Salvador, San Miguel and Chalatenango, increased hours of work during the last month of the mandate period and inclusion of the electricity charges for May 1995 in the total requirements for the period from 1 December 1994 to 30 April 1995. No provision for utilities was made in the cost estimates for the liquidation of the Observer Mission during the period from 1 to 31 May 1995.

4. Infrastructure repairs ..... -

26. No change.

5. Transport operations ..... (5 100)

27. The provision of $17,000 made for car rentals in the cost estimates was not utilized during the period under review since all transportation of equipment to the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) was arranged and paid for by the good offices mission.

28 The provision of $54,600 made for the spare parts, repair and maintenance of 91 ONUSAL vehicles for the period under review proved to be insufficient. Owing to increased costs, an additional requirement of $28,000 was needed to purchase replacement batteries and other spare parts before vehicles were ready for shipment to other missions.

29. Savings of $1,300 for petrol, oil and lubricants were due to the decreased fuel consumption following a reduction in the number of vehicles in use during the last month of the mandate period.

30. Savings of $4,600 under vehicle insurance were due to the lower than projected actual cost of vehicle insurance during the period under review and timely phasing-out of ONUSAL vehicular equipment to other missions.

6. Air operations

(a) Helicopter operations 1 400

Table 6. Projected and actual flying time of the ONUSAL helicopter from 1 December 1994 to 30 April 1995

Period	Projected	Actual	Difference	
	Hours	Hours	Hours	Cost at $625 per hour
1 December 1994-30 April 1995	60	57.8	2.2	1 400
Total	60	57.8	2.2	1 400

31. As can be seen from table 6, savings of $1,400 resulted from the lower utilization of the flying hours of one helicopter, rented by the Observer Mission on an "as needed basis".

(b) Fixed-wing aircraft ..... -

32. No change.

(c) Other air operation costs ..... -

33. No change.

7. Naval operations ..... -

34. No change.

8. Communications

Complementary communications ..... (16 100)

35. Savings of $3,100 for spare parts and supplies were due to the lower costs of supplies during the reporting period than initially estimated.

36. The additional requirement of $19,200 for commercial communications resulted from the increased usage of commercial communications lines after the ONUSAL satellite system was dismantled in March 1995 ($17,700). Requirements of the Observer Mission for the reporting period also included the cost of commercial communications for May 1995 ($1,500), since no such provision was made in the cost estimates for the liquidation of ONUSAL for the period from 1 to 31 May 1995.

9. Other equipment ..... (5 100)

37. The additional requirement of $5,100 for spare parts, repairs and maintenance was due to the higher than projected cost of spare parts for air conditioners, photocopiers and electronic data-processing equipment during the period under review.

10. Supplies and services

(a) Miscellaneous services 5 900

38. The additional requirement of $3,700 for contractual services was due to the higher than foreseen cost of the additional personnel (handymen and radio and communications technicians) needed to assist in the closing down of the Observer Mission. These costs were estimated at an average of $5,000 per month, whereas the actual requirements were $5,700 per month.

39. The additional requirement of $3,600 for security services was due to the need to hire security services for the month of May 1995 to safeguard the equipment and supplies brought in from the regional offices. This equipment was stockpiled at mission headquarters in preparation for shipment to other missions. No such provision was made in the cost estimates for the period under review.

40. Savings of $12,400 for medical treatment and services were due to the lower number of medical examinations performed during the reporting period.

41. The cost estimates made no provision for claims and adjustments for the period. However, a requirement of $900 was needed to cover the costs of various claims and adjustments made during the period under review.

42. Savings of $2,400 for official hospitality resulted from partial non-utilization of funds allocated for official hospitality at an increased level in connection with the withdrawal of ONUSAL.

43. The additional requirement of $700 for miscellaneous other services was caused by the original underestimation of miscellaneous supplies and services required by the Observer Mission. The initial provision of $2,500, based on an average rate of $500 per month, proved to be insufficient to cover the needs of the Mission during the period under review. The actual costs of miscellaneous services averaged $600 per month.

(b) Miscellaneous supplies 2 000

44. The additional requirement of $2,600 for stationery and office supplies was due to the higher than expected costs of supplies during the period under review. Costs for stationery and office supplies during the liquidation of the Observer Mission for the period from 1 to 31 May 1995 ($1,000), for which no provisions were made, were also included.

45. Because of the phasing-out of the medical office, no additional medical supplies were procured during the reported period, which resulted in savings of $3,000.

46. Savings of $1,800 for sanitation and cleaning materials occurred because the provision of $1,000 per month in the cost estimates proved to be higher than the actual requirements of the Mission.

47. The additional requirement of $1,600 for subscriptions was needed to cover the increased costs of subscriptions and periodicals during the reporting period.

48. Savings of $1,400 for uniform and clothing items were due to the lower number of uniforms required for ONUSAL drivers during the period under review.

11. Election-related supplies and services ..... -

49. No change.

12. Public information programmes ..... (11 200)

50. The provision of $20,000 in the cost estimates for the cost of the information and education campaign in connection with the withdrawal of the Mission and for the costs of the continuing operation of the information centres was fully utilized for those purposes during the period under review. The additional requirement of $11,200 was needed to cover in part the cost of printing a human rights manual, co-produced by the ONUSAL Human Rights Division and the Committee of the Families of Victims of Human Rights Violations of El Salvador (CODEFAM).

13. Training programmes ..... -

51. No change.

14. Mine-clearing programmes ..... -

52. No change.

15. Assistance for demobilization and disarmament ..... -

53. No change.

16. Air and surface freight 127 600

54. Savings resulted from charging the costs of shipping of most of the equipment from ONUSAL to other missions to the recipients' accounts.

17. Integrated Management Information System ..... -

55. No change.

18. Support account for peace-keeping operations ..... -

56. No change.

19. Staff assessment ..... (80 700)

57. The additional requirement resulted from the overall incumbency situation in the mission area during the period under review. The authorized and actual staffing of the Observer Mission is shown in annex V.

20. Income from staff assessment ..... (80 700)

58. This amount is derived from item 19 above.

ANNEX III

Financial performance report for the period from 1 to 31 May 1995

Summary statement

(Thousands of United States dollars)

	Original cost estimate	Apportionment	Estimated expenditure	Savings/ (overruns)
	(1)	(2)	(3)	(4)=(2)-(3)
1. Military personnel costs	-	-	-	-
2. Civilian personnel costs				
(a) Civilian police	-	-	-	-
(b) International and local staff				
International staff salaries	35.7	35.7	33.6	2.1
General temporary assistance	-	-	-	-
Local staff salaries	13.1	13.1	18.9	(5.8)
Consultants	-	-	-	-
Overtime	-	-	-	-
Common staff costs	27.5	27.5	32.9	(5.4)
Mission subsistence allowance	17.1	17.1	17.6	(0.5)
Travel to and from the mission area	-	-	-	-
Other travel costs	-	-	-	-
Seminars	-	-	-	-
Subtotal	93.4	93.4	103.0	(9.6)
(c) International contractual personnel	-	-	-	-
(d) United Nations Volunteers	-	-	-	-
(e) Government-provided personnel	-	-	-	-
(f) Civilian electoral observers	-	-	-	-
(g) Conference costs	-	-	-	-
Total, line 2	93.4	93.4	103.0	(9.6)
3. Premises/accommodation				
Rental of premises	2.0	2.0	10.1	(8.1)
Alteration and renovation of premises	-	-	-	-
Maintenance supplies	-	-	-	-
Maintenance services	-	-	-	-

		Original cost estimate	Apportionment	Estimated expenditure	Savings/ (overruns)
		(1)	(2)	(3)	(4)=(2)-(3)
	Utilities	-	-	-	-
	Construction/prefabricated buildings	-	-	-	-
	Total, line 3	2.0	2.0	10.1	(8.1)
4.	Infrastructure repairs	-	-	-	-
5.	Transport operations	-	-	-	-
6.	Air operations	-	-	-	-
7.	Naval operations	-	-	-	-
8.	Communications	-	-	-	-
9.	Other equipment	-	-	-	-
10.	Supplies and services	-	-	-	-
11.	Election-related supplies and services	-	-	-	-
12.	Public information programmes	-	-	-	-
13.	Training programmes	-	-	-	-
14	Mine-clearing programmes	-	-	-	-
15.	Assistance for disarmament and demobilization	-	-	-	-
16	Air and surface freight	-	-	-	-
17.	Integrated Management Information System	-	-	-	-
18.	Support account for peace-keeping operations	-	-	-	-
19	Staff assessment	17.9	17.9	16.5	1.4
	Total, lines 1-19	113.3	113.3	129.6	(16.3)
20.	Income from staff assessment	(17.9)	(17.9)	(16.5)	(1.4)
	Net total, lines 1-20	95.4	95.4	113.1	(17.7)

ANNEX IV

Financial performance report for the period from 1 to 31 May 1995

Supplementary information

(Thousands of United States dollars)

1.	Military personnel costs	-
1.	No change.	
2.	Civilian personnel costs	-
	(a) Civilian police	
2.	No change.	
	(b) International and local staff	(9 600)

3. Savings under international staff salaries occurred because the actual salary costs of the eight international staff (one D-1, one P-2, four Field Service and two General Service staff) who remained on board for the liquidation of the Observer Mission proved to be lower than projected.

4. The additional requirement of $5,800 under local staff salaries resulted for the following reasons:

(a) As at 1 January 1995, based on local salary survey revision 26, the General Service local staff salaries in El Salvador were increased by 9.5 per cent. The cost estimates for the liquidation of the Observer Mission were based on the previous local salary survey revision 25. This resulted in an additional requirement of $1,100;

(b) One locally recruited staff member remained on duty until 30 June 1995 to clear up residual matters remaining after the departure of the liquidation team from the mission area. This resulted in an additional requirement of $900;

(c) The balance of the additional costs ($3,800) resulted from the higher than average grading of locally recruited staff who remained on board during the liquidation period.

5. The additional requirement of $5,400 under common staff costs was due to higher than projected staff-related costs during the period under review.

6. The additional requirement of $500 for MSA was due to the extra seven person/days spent by the liquidation team of eight international staff in the mission area.

3. Premises/accommodation ..... (8 100)

7. The additional requirement occurred because certain needs of the Observer Mission for rental of premises during the liquidation phase had not been foreseen in the cost estimates. Since most substantive activities ended in the regional offices during the week from 15 to 21 April 1995, the office equipment from those offices had to be stockpiled during May 1995 at mission headquarters in El Salvador at a cost of $3,500. No provision had been made for this in the cost estimates for the period. In addition, the ONUSAL liquidation team had to rent a warehouse to store equipment and supplies awaiting shipment to MINUGUA for almost the entire month of May 1995 at a cost of $4,600, for which no budgetary provision had been made.

4. Infrastructure repairs ..... -

5. Transport operations ..... -

6. Air operations ..... -

7. Naval operations ..... -

8. Communications ..... -

9. Other equipment ..... -

10. Supplies and services ..... -

11. Election-related supplies and services ..... -

12. Public information programmes ..... -

13. Training programmes ..... -

14. Mine-clearing programmes ..... -

15. Assistance for disarmament and demobilization ..... -

16. Air and surface freight ..... -

17. Integrated Management Information System ..... -

18. Support account for peace-keeping operations ..... -

8. No change occurred under these headings.

19. Staff assessment 1 400

9. Savings of $1,400 resulted from the lower actual requirements under staff assessment than estimated.

20. Income from staff assessment ..... (1 400)

10. This amount is derived from item 19 above.

ANNEX V

Authorized and actual staff from 1 December 1994 to 30 April 1995

	Authorized							Actual						
	December	January	February	March	April			December	January	February	March	April		
					1-15	16-29	30					1-15	16-29	30
Grade	1994			1995				1994			1995			
Civilian staff														
Professional category and above														
USG	1	1	1	1	1	-	-	1	1	1	1	1	1	
D-2	1	1	1	1	1	-	-	1	1	1	1	1	1	-
D-1	4	4	4	3	3	1	1	4	4	4	3	3	3	1
P-5	2	2	2	2	1	-		2	2	2	2	1	1	-
P-4	7	6	6	6	5	-		7	6	6	6	5	5	-
P-3	17	17	17	17	14	-		17	17	17	17	14	14	
P-2/1	9	9	9	8	6	1	1	9	9	9	8	6	6	1
Subtotal	41	40	40	38	31	2	2	41	40	40	38	31	31	2
General Service and other categories														
General Service	9	9	9	9	9	2	2	9	9	9	9	9	9	2
Field Service	9	9	9	9	8	4	4	9	9	9	9	8	8	4
Subtotal	18	18	18	18	17	6	6	18	18	18	18	17	17	6
Total, international staff	59	58	58	56	48	8	8	59	58	58	56	48	48	8
Local staff	91	91	91	90	79	16	16	91	91	91	90	79	79	16
Total, civilian staff	150	149	149	146	127	24	24	150	149	149	146	127	127	24
Military personnel														
Military observers	3	3	3	3	2	-		3	3	3	3	3	3	-
Civilian police	46	40	40	40	33	28		46	40	40	40	33	17	12
Total, military	49	43	43	43	35	28		49	43	43	43	36	20	12
Grand total	199	192	192	189	162	52	24	199	192	192	189	163	147	36

ANNEX VI

Authorized and actual staff from 1 to 31 May 1995

Grade	Authorized	Actual	Difference
Civilian staff			
Professional category and above			
D-1	1	1	-
P-2	1	1	-
Subtotal	2	2	-
General service and other categories			
General Service	2	2	-
Field Service	4	4	-
Subtotal	6	6	-
Total, international staff	8	8	-
Local staff	16	16	-
Total, civilian staff	24	24	-